

EXHIBIT 20

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NEELAM SANDHU,

Plaintiff,

vs.

CASE NO. 24-cv-02002-SK

BLACKBERRY CORPORATION, a
Delaware Corporation; and JOHN
GIAMATTEO, an individual,

**CERTIFIED
TRANSCRIPT**

Defendants.

_____ /

VIDEO-RECORDED VIDEOCONFERENCE DEPOSITION OF
RICHARD LYNCH

DATE: Thursday, June 5, 2025

TIME: 9:06 a.m. - 5:05 p.m.

LOCATION: (All attendees appearing remotely.)

REPORTED BY: JULIE L. ANDERSON, CSR
Stenographic California CSR No. 11422

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1 Q. I'm going to ask about some of the other
2 jobs you had. I'm not going to go back all the way
3 to your jobs in high school, college, that sort of
4 thing. But before you became a -- before you worked
5 exclusively as a member of boards of directors, did
6 you work at a company in more of a day-to-day role?
7 **A. Yes, I did.**
8 Q. And what was the most recent company where
9 you had that kind of a day-to-day role?
10 **A. It was at Verizon Corporation.**
11 Q. And are you able to estimate when you
12 started working at Verizon and when you stopped
13 working at Verizon?
14 **A. Yes, fairly accurately. I started working**
15 **at the predecessor to Verizon, which was the Bell**
16 **System, back in 1972, and I retired from Verizon**
17 **Corporation as it then existed and still exists in**
18 **2011.**
19 Q. And is it accurate that there were perhaps
20 some mergers, name changes, et cetera, but you
21 stayed within the same organization, more or less,
22 for that whole stretch of time?
23 **A. Yes, that is correct.**
24 Q. What was your job title or position title at
25 the end of your tenure at Verizon? So the last job

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1 educational background now. Do you have a college
2 degree or multiple perhaps?
3 **A. Multiple. I have -- I have a bachelor's**
4 **degree and master's degree in electrical**
5 **engineering, and I did some postgraduate work at**
6 **Johnson School at Cornell and at Wharton School of**
7 **the University of Pennsylvania.**
8 Q. What kind of the -- strike that.
9 What is taught at the Johnson School? Is
10 that a business school?
11 **A. Yes.**
12 Q. And do you have a master's in business
13 administration degree?
14 **A. I did not get a master's as such. The**
15 **Wharton program was the equivalent.**
16 Q. Okay.
17 **A. But no degree as such.**
18 Q. So although you do not have an MBA degree,
19 it sounds like you did take some graduate-level
20 business courses at universities?
21 **A. Oh, yes.**
22 Q. So the plaintiff in this case is Neelam
23 Sandhu. Before John Giamatteo -- well,
24 before -- strike that.
25 Before John Chen resigned, do you recall

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1 title that you held?
2 **A. Executive vice president and chief**
3 **technology officer.**
4 Q. And are you able to estimate for about how
5 long those were your job titles at Verizon?
6 **A. Let me describe it for you this way: I was**
7 **the executive vice president and chief technology**
8 **officer for Verizon Wireless and then became same**
9 **title for the entire Verizon Corporation, and that**
10 **spanned between approximately 1992 and 2011.**
11 Q. Presumably when you started off at Verizon,
12 you were not management, although maybe that's
13 incorrect. So how did you start off at Verizon?
14 What was your job when you started, I guess, at
15 Bell?
16 **A. When I -- and that's the best way to**
17 **describe it, is Bell. When I began, I was actually**
18 **a supervisor at -- in the network organization in**
19 **Boston.**
20 Q. And did you ever work as an engineer doing
21 engineering, like, let's say, design engineering or
22 were you always a supervisor or manager?
23 **A. No. I did engineering work when I moved to**
24 **Philadelphia.**
25 Q. I'm going to ask a little bit about your

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1 working with Neelam?
2 **A. I would not describe it as "working with."**
3 **I was -- I had been introduced to her. I knew who**
4 **she was but did not work with her.**
5 Q. And what was the context in which you had
6 been introduced to her if you can recall?
7 **A. I believe that it was at board dinner once I**
8 **was first introduced to her in person. Of course, I**
9 **saw the performance statistics for all of the**
10 **management people that reported to John Chen on a**
11 **regular basis at board meetings, and her name was on**
12 **there.**
13 Q. And so before John Chen resigned, other than
14 meeting Neelam -- or Ms. Sandhu at this dinner, do
15 you recall interacting with her besides that?
16 **A. I do not.**
17 Q. And I think you mentioned some performance
18 statistics that were presented to the board that
19 discussed the managers. Is that -- is that
20 accurate?
21 **A. Yes.**
22 Q. What do you recall from -- well, if
23 anything, what do you recall of Ms. Sandhu's
24 performance statistics?
25 **A. The last ones that I recall seeing, the**



<p style="text-align: right;">Page 34</p> <p>1 performance of her organization was really not very</p> <p>2 good relative to the other performance comparatives,</p> <p>3 the other organizations. Her results were actually</p> <p>4 not all that good.</p> <p>5 Q. And do you remember any performance</p> <p>6 statistics that you saw about Ms. Sandhu before</p> <p>7 those -- the statistics you were just discussing</p> <p>8 right then?</p> <p>9 A. I do not.</p> <p>10 Q. So did you ever see Ms. Sandhu manage one of</p> <p>11 her subordinates?</p> <p>12 A. In terms of face-to-face?</p> <p>13 Q. Yes.</p> <p>14 A. No.</p> <p>15 Q. Did you ever see Ms. Sandhu speak with one</p> <p>16 of the customers of the business?</p> <p>17 A. No.</p> <p>18 Q. Did you ever see Ms. Sandhu speak at a -- at</p> <p>19 a meeting, such as a board meeting or some other</p> <p>20 public meeting?</p> <p>21 A. I do not recall that.</p> <p>22 Q. Did you -- so before John Chen resigned, did</p> <p>23 you form an opinion about what it was like working</p> <p>24 with Ms. Sandhu?</p> <p>25 A. I have --</p>	<p style="text-align: right;">Page 35</p> <p>1 Q. Well, let me put it this way --</p> <p>2 A. Yeah. I think I'd like the question</p> <p>3 rephrased if you could.</p> <p>4 Q. Based on your firsthand knowledge of -- of</p> <p>5 dealing with Ms. Sandhu, did you have an opinion</p> <p>6 about what it would be like to work with her before</p> <p>7 John Chen resigned?</p> <p>8 A. Based on the dinner I had with her, yes, I</p> <p>9 had developed some initial beliefs.</p> <p>10 Q. What were those initial beliefs?</p> <p>11 A. That she was very aggressive. That she was</p> <p>12 not necessarily focused on the same things that I</p> <p>13 might have been focused on.</p> <p>14 Q. What was it that Ms. Sandhu did or said that</p> <p>15 led you to form the belief that she was acting</p> <p>16 aggressively or was aggressive?</p> <p>17 A. The -- the dialogue that we had suggested to</p> <p>18 me that opinion. I also would say that she was</p> <p>19 particularly opinionated relative to -- and I</p> <p>20 honestly can't remember exactly what topics we were</p> <p>21 talking about. But she was very opinionated on</p> <p>22 these various topics during the course of our</p> <p>23 discussion, and I would necessarily not have agreed</p> <p>24 with all of those views.</p> <p>25 Q. And so can you remember specifically some of</p>
<p style="text-align: right;">Page 36</p> <p>1 these opinions that you mentioned?</p> <p>2 A. I cannot at this point. This was a number</p> <p>3 of years ago.</p> <p>4 Q. And other than the fact that she seemed to</p> <p>5 be opinionated, was there something else about the</p> <p>6 conversation with her that -- or in which she acted</p> <p>7 aggressively?</p> <p>8 A. Just the overall interaction, but I can't</p> <p>9 give you anything specific. As I say, it was a</p> <p>10 number of years ago.</p> <p>11 Q. And I think you also mentioned that</p> <p>12 Ms. Sandhu was -- seemed to be not focused on the</p> <p>13 things that you would have been focused on. Is that</p> <p>14 an accurate paraphrasing?</p> <p>15 A. Yes.</p> <p>16 Q. And what did you mean by that?</p> <p>17 A. Again, I -- it was so long ago that I can't</p> <p>18 give you anything specific, but those are the</p> <p>19 impressions that stuck in my mind after the -- after</p> <p>20 the dinner.</p> <p>21 Q. Before John Chen resigned, had you heard</p> <p>22 from other people about what it was like to work</p> <p>23 with Neelam?</p> <p>24 A. I had not.</p> <p>25 Q. To your knowledge did -- and this is before</p>	<p style="text-align: right;">Page 37</p> <p>1 John Chen resigned. To your knowledge, did</p> <p>2 Ms. Sandhu have a reputation one way or another</p> <p>3 about being difficult to work with?</p> <p>4 A. Yes.</p> <p>5 Q. And how did you come to learn of that?</p> <p>6 A. John Chen, for one, very specifically</p> <p>7 indicated that, and I heard from another one or two</p> <p>8 people whose -- currently I can't -- I can't</p> <p>9 identify who they are -- that had indicated that it</p> <p>10 was difficult to work with her.</p> <p>11 Q. And what, if anything, do you remember about</p> <p>12 John Chen telling you about what it was like working</p> <p>13 with Neelam?</p> <p>14 A. John expressed to me a concern that in order</p> <p>15 to have success in the elite group, he had to</p> <p>16 continually get involved and that frustrated him.</p> <p>17 Q. Do you remember anything else that Mr. Chen</p> <p>18 told you along those lines?</p> <p>19 A. No.</p> <p>20 Q. And I think you mentioned that there was</p> <p>21 another conversation you had with someone you didn't</p> <p>22 remember about what it was like working with</p> <p>23 Ms. Sandhu. Is that fair to say?</p> <p>24 A. I did indicate that I recall having had --</p> <p>25 overheard and/or had very quick dialogue about that.</p>



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1 I don't remember who it was nor do I remember the
2 specific topics. But, yes, she was known as being
3 difficult to work for.

4 Q. Okay. And you kind of anticipated some of
5 my questions. What details, if any, can you
6 remember from that conversation?

7 A. I believe I've given you everything I can
8 really give you.

9 Q. That -- that she was difficult to work with
10 essentially. Can you remember anything more than
11 that?

12 A. Not during the time frame you're talking
13 about.

14 Q. Before John Chen resigned, had you heard
15 anyone discuss Neelam's competence or ability to do
16 her job? So, for example, hit her sales quotas.
17 That sort of thing. Had you discussed Neelam's
18 competence and ability to do the work with anyone
19 before John Chen resigned?

20 A. I did not.

21 Q. Do you know -- and so this is before John
22 Chen resigned still. Do you know whether Ms. Sandhu
23 had a reputation for being a highly competent person
24 who could get the job done? Maybe not so competent?
25 Something in between? Do you know what her

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1 Q. Did you ever socialize outside of the work
2 context with Mr. Giamatteo before John Chen
3 resigned?

4 A. No.

5 Q. Did you form a reputation -- or
6 not -- strike that.

7 Did you form an opinion about -- about
8 Mr. Giamatteo's collegiality, his ability to get
9 along with his coworkers, before John Chen resigned?
10 Did you form any opinion about that?

11 A. Only what I observed, which was at the board
12 level, and at the interaction with other management
13 during board meetings.

14 Q. Before John Chen resigned, did you form any
15 opinion one way or another about John Giamatteo's
16 ability to be collegial with his female coworkers?

17 A. No. I would not have separated male or
18 female in my assessment of him. I didn't see any
19 difference.

20 Q. Before John Chen resigned, did you form an
21 opinion about Mr. Giamatteo's competence, ability to
22 do the work that he was required to do?

23 A. Yes.

24 Q. What was that opinion?

25 A. The opinion was that he was very good at --

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1 reputation was?

2 A. I would not know at that point, no.

3 Q. Did Mr. Chen ever discuss to you -- or
4 discuss with you his opinion about whether Neelam
5 was competent, could get things done?

6 A. Only the reference that I've already
7 described to you, which is his frustration of having
8 to get involved to get things done within the elite
9 group.

10 Q. Before John Chen resigns, had you met John
11 Giamatteo?

12 A. Yes.

13 Q. And what kind of interactions had you had
14 with Mr. Giamatteo before John Chen resigned?

15 A. John Giamatteo was a member of the executive
16 management team and would come in on a regular basis
17 to the board and would present to us his results,
18 his actions, his plans, and that was the primary
19 interaction that I had with him.

20 Q. Did you ever interact with Mr. Giamatteo in
21 a social setting before John Chen resigned?

22 A. Only at board dinners.

23 Q. Would you have considered yourself to be a
24 friend of Mr. Giamatteo's before John Chen resigned?
25 A. No.

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1 in terms of sales, sales planning, organizational
2 activities. I felt that he had potential to do
3 more. But that was what I had seen him doing, and
4 it was -- I was pleased with that.

5 Q. And what -- what led you to form that
6 opinion about Mr. Giamatteo's competence and ability
7 to do the work?

8 A. John would come in during the meeting, tell
9 us what he was going to do and come back at the next
10 meeting and tell us he's accomplished it. Or if he
11 hadn't, why it hadn't worked out and what he was
12 going to do to fix it. Typical, what I would call,
13 executive level management interaction with the
14 board. And results that indicated that he was
15 carrying out those plans that he was asked to
16 execute on.

17 Q. Have you spoken with Mr. Giamatteo about
18 this lawsuit?

19 A. I have spoken with him. Not about the
20 lawsuit, per se. But there was a point in time when
21 we were concerned that he would be leaving before
22 the lawsuit had completed and that it was my concern
23 that he not leave at that point. So I spoke to him
24 to ask him to be patient. That was it.

25 Q. Can you remember anything else about that



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1 conversation you just referenced?

2 **A. I just gave you everything that really**

3 **happened. I asked him to please not be impatient,**

4 **that we needed to see this through, and that -- I**

5 **asked him to please be patient. That was it.**

6 Q. And I think you mentioned that there was

7 some discussion at least on one occasion at the

8 board of directors about the lawsuit; right?

9 **A. Yes.**

10 Q. Was John Giamatteo present for that

11 discussion?

12 **A. I don't believe so.**

13 Q. Does Mr. Giamatteo --

14 **A. He was not -- he was not on the board at**

15 **that point.**

16 Q. Is he -- does he have a spot on the board of

17 directors currently?

18 **A. Yes, he does.**

19 Q. And so do you feel confident that

20 Mr. Giamatteo was not present for this board

21 meeting -- well, for this portion of the board

22 meeting in which the lawsuit was discussed -- or is

23 that something you feel not so confident about?

24 **A. No. I feel confident about the -- the**

25 **meeting in which I am referring to, John was not yet**

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1 BY MR. TARTAGLIO:

2 Q. Before John Chen resigned, had you ever

3 spoken with Phil Kurtz about Ms. Sandhu?

4 **A. No.**

5 Q. And since this is going to come up, I'm sure

6 later on, I'll just give a brief explanation that

7 the case law of attorney-client privilege on

8 in-house counsel is kind of tricky. But the general

9 idea is that if the dominant purpose of the

10 communication is legal in nature, it's privileged.

11 But the dominant purpose -- or if the dominant

12 purpose is not legal in nature, it's not privileged.

13 And the rule's that way because sometimes in-house

14 counsel -- they will talk about things that are not

15 strictly legal in nature. But that's kind of, like,

16 a high-level explanation of how that works. I guess

17 it doesn't apply right now, but I'm sure that will

18 come up later on in the deposition.

19 Before John Chen resigned, had you ever

20 spoken with Tim Foote about Neelam Sandhu?

21 **A. No.**

22 Q. What's -- well, strike that.

23 Does the BlackBerry company still have an

24 elite customers division or unit?

25 **A. No.**

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1 **a member of the board. He was not yet in his CEO**

2 **role.**

3 Q. Well, the lawsuit was filed -- this is not

4 really a question, I guess. But the lawsuit was

5 filed after Giamatteo already had become CEO so --

6 **A. Then I'm referring to the investigation that**

7 **was done prior to his being appointed. I apologize**

8 **for that. He was not present for any of those**

9 **discussions on the -- the investigation.**

10 Q. Before John Chen resigned, had you ever

11 talked with John Giamatteo about Neelam Sandhu, I

12 guess, in any capacity on any topic?

13 **A. No.**

14 Q. And before John Chen resigned, had you ever

15 spoken with Phil Kurtz about Neelam Sandhu?

16 MS. FORSTER: Objection. To the extent that

17 calls for privileged communications, I will instruct

18 the witness not to answer.

19 If you can recall any nonprivileged

20 communications during the time frame counsel

21 referenced, you may testify. Otherwise, do not

22 respond.

23 **THE WITNESS: Let me -- Anthony, ask the**

24 **question again so that I'm clear on exactly the time**

25 **frames you're talking about.**

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1 Q. At some point earlier in time did BlackBerry

2 have some sort of a group or division focused on

3 elite customers?

4 **A. Yes.**

5 Q. And what was your understanding of the

6 mandate for the elite customer group?

7 **A. The elite customer group was formed for the**

8 **purpose of focusing on a very small number of**

9 **customers and giving them a level of service and**

10 **attention that was greater than the average customer**

11 **in the bigger group if you will.**

12 Q. And when there was an elite customer team,

13 did you have an opinion about whether this was good

14 idea, bad idea, neutral?

15 **A. I questioned why it would need to exist,**

16 **reporting in differently than the rest of the sales**

17 **organization. But I was -- it was a decision that**

18 **the CEO had made and I had no objection to allowing**

19 **the CEO to make that call. He was in a better**

20 **position than me.**

21 Q. Before John Chen resigned had you heard

22 about any tensions between the elite customers group

23 and other groups within BlackBerry?

24 **A. No. Let me -- let me take that back. There**

25 **was one instance where John Chen indicated -- and**



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1 this is back to my point earlier. There was one
2 point in which John Chen was frustrated that in
3 order to have this elite group work successfully, he
4 had to continually get involved, and that he
5 attributed some of that to the friction between
6 organizations.

7 Q. Okay. And one thing I should have mentioned
8 earlier is that you can revisit an answer if you
9 think it needs to be clarified or changed. That's
10 fine. I might be able to comment on -- about that
11 at trial, but your answers are not chiseled into
12 stone. If you want to revise an answer, you can --
13 you can do so, and it might be to your benefit to do
14 it now than to try to do it at trial, you know, a
15 year from now. Whenever that is.

16 A. That revision is the one that I would stick
17 with.

18 Q. Okay. I'm going to ask now about when John
19 Chen resigned. So you became interim CEO after he
20 announced his resignation; is that fair to say?

21 A. Yes.

22 Q. To your understanding, what was the process
23 by which you became interim CEO?

24 A. I was asked by the CNG chair -- the CNG is
25 the compensation nominating governance committee

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1 understand the question. The board -- because of
2 the way that John Chen's contract was written, the
3 board asked John Chen to please provide with -- the
4 board with candidates that he recommended, and John
5 Giamatteo was the latest one that he brought before
6 the board.

7 Q. And besides asking John Chen to identify
8 potential successor, did the board of directors do
9 anything else before the John Chen resignation to
10 try to identify potential successor candidates?

11 A. Informally, yes, formally no. And I would
12 say that the process was more or less that we would
13 identify and watch the candidate that John Chen
14 recommended to us, and that's the way the board was
15 working.

16 Q. Do you recall there being any informal
17 discussions among the board about whether Giamatteo
18 would have been a good successor? And this is all
19 before John Chen resigned, by the way.

20 A. I cannot recall a specific instance, so I'm
21 going to answer no.

22 Q. Did the board ever discuss to your knowledge
23 any -- any other potential successors? And this
24 is -- again the time period would be before John
25 Chen resigned. Did the board of directors discuss

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1 chair, which is a board committee. I was asked if I
2 would take on that role as of the time that John
3 left, and I agreed to do so for a short period of
4 time.

5 Q. When John Chen resigned, did you think that
6 there was -- well, strike that.

7 When John Chen resigned, did you have a
8 candidate in mind as someone who would be a good
9 successor?

10 A. We had been looking at John Giamatteo for
11 that role since he was hired. The -- John Chen was
12 charged by the board with attempting to identify at
13 least one candidate that could play that role. And
14 John was -- John Chen had recommended John Giamatteo
15 for that particular role.

16 Q. And I think you said something -- something
17 to the effect of the board had been looking at John
18 Giamatteo as a potential successor. What is it that
19 the board did -- well, I guess I should ask, was
20 there a formal process to identify a successor or
21 was it more of an informal discussion about who
22 might be a good successor?

23 A. I think your question suggested that we were
24 trying to replace John Chen. Or -- yeah. I think
25 you have the names backwards. But regardless, I

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1 any other potential successors besides John
2 Giamatteo?

3 A. There was another name that was presented
4 prior to that. That individual left the business.
5 And I'm at a loss as to who that individual was.

6 Q. So I'm going to ask now kind of similar
7 questions to what I asked earlier, but now I'm going
8 to talk -- now I want to ask about after John Chen
9 left, or he announced his resignation rather. So
10 after John Chen announced his resignation, did you
11 have some sort of a meeting with Ms. Sandhu?

12 A. I had a meeting with her after John Chen
13 left. You -- I want to clarify. Are you asking
14 about the time between John Chen's announcement and
15 the time he terminated, or are you asking between
16 the time that he announced and the time that I
17 became the CEO?

18 Q. Just -- just any time after John Chen
19 announced his resignation, did you have a meeting
20 with Ms. Sandhu?

21 A. I had a -- I had a -- I had a phone call
22 meeting with her, consistent with the meetings I had
23 with every executive once I became the interim CEO.

24 Q. And other than this one phone call -- well,
25 I guess I should ask you this way: So at some point



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1 you had -- did you have another phone call or
2 another meeting with Ms. Sandhu to tell her that she
3 was going to have to leave the company?
4 **A. Yes. But I'm referring to a meeting where I**
5 **had committed to interviewing each of the executives**
6 **right after John Chen left. There was a second**
7 **interaction when I unfortunately had to terminate**
8 **Neelam.**
9 Q. And between the first phone call with
10 Ms. Sandhu and the communications with her in which
11 you told her that she was going to be separated from
12 the company, did you have any other meetings, calls
13 with Ms. Sandhu, or was it just that one phone call?
14 **A. It was that one phone call.**
15 Q. Do you remember about how long that phone
16 call lasted?
17 **A. Probably 30 minutes.**
18 Q. And we're going to look at some notes later
19 on so we can -- this is not a gotcha question. I
20 just want to see what you remember from this meeting
21 without looking at the notes. So what do you
22 remember from the meeting with Ms. Sandhu?
23 **A. I asked her what she was doing. I asked her**
24 **her views on the business. I asked her her views on**
25 **how the business could operate differently and**

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1 **A. Exactly.**
2 Q. Was there some discussion during this
3 meeting with Ms. Sandhu about the possibility of her
4 becoming CEO?
5 **A. In the last five minutes of the call, I**
6 **asked her if there was anything else we should talk**
7 **about, and she indicated that she felt that she was**
8 **eligible for, qualified for the CEO role, and she**
9 **wanted to let me know that she would like to have --**
10 **be considered for it.**
11 Q. Do you remember whether you brought up the
12 topic of her potentially being CEO first or was that
13 something that she brought up?
14 **A. She brought that up.**
15 Q. And I want to make sure that we get your
16 best recollection as to this because there's a few
17 nuances potentially in how this is phrased.
18 So to your best recollection what did she
19 say about her desire to be CEO?
20 **A. She felt that she was qualified and that she**
21 **wanted to be considered. Beyond that, I can't**
22 **recall any specificity to -- to the discussion.**
23 Q. And so there's a distinction that I'm going
24 to draw here between being considered for CEO and
25 becoming CEO. The distinction being that someone

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1 **better. It's the same set of questions I asked**
2 **everyone, so it essentially boiled down to those**
3 **questions. And I looked for answers and responses**
4 **as a way of assessing each individual that I was**
5 **talking with.**
6 Q. And when you conducted this discussion did
7 you have a list of topics that you were going to try
8 to -- that you were going to try to discuss with
9 her?
10 **A. The best way to describe that is no. And**
11 **the reason is because I was looking for them to do**
12 **most of the talking. So I was not looking to talk**
13 **about a specific set of topics, if you will. Just**
14 **the three comments that I iterated before, which is**
15 **I was looking for feedback from them.**
16 Q. Okay. So let me know if you agree with
17 this. You did not have a particular script for this
18 call with Ms. Sandhu, but you did have a few kind of
19 high-level general questions that were more to get
20 her point of view --
21 **A. Yes.**
22 Q. -- and get her talking?
23 **A. Yes.**
24 Q. And was that the same approach you used with
25 the other folks that you spoke with?

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1 might be considered but ultimately might not get the
2 position. So with that distinction in mind, do you
3 recall her saying that she wanted to be considered
4 for CEO, or did she want to be the CEO?
5 **A. I cannot recall that specificity within the**
6 **conversation.**
7 Q. Do you recall whether Ms. Sandhu said that
8 she thought she should be the CEO?
9 **A. I believe that she suggested that to me. I**
10 **cannot give you back her words of over a year ago.**
11 MR. TARTAGLIO: Let's take a break now. I
12 think now is a good time for a break.
13 **THE WITNESS: Okay.**
14 **MS. FORSTER: Okay.**
15 **THE VIDEOGRAPHER: We're going off the**
16 **record. The time is 10:08 a.m.**
17 (Off the record: 10:08 a.m. to 10:17 a.m.)
18 **THE VIDEOGRAPHER: We are now back on the**
19 **record. The time is 10:17 a.m.**
20 **BY MR. TARTAGLIO:**
21 Q. So, Mr. Lynch, are you able to remember
22 anything else about this phone call that you had
23 with Ms. Sandhu -- this approximately 30-minute
24 phone call -- other than what we've already
25 discussed?



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1 A. She was very critical of some of the
2 organizations and the way that they were functioning
3 and felt that change was needed in the business.
4 That's about the only other one that comes to mind
5 immediately.
6 Q. Can you remember any of the details of what
7 criticisms that Ms. Sandhu had for some of the other
8 parts of the business?
9 A. Primarily related to the other sales
10 organizations. She didn't really speak to the rest
11 of the business. But to the other sales
12 organizations, she felt that there were changes that
13 could be made that could improve the way the
14 business was operating.
15 Q. Can you remember any more details of what
16 she said along those lines?
17 A. No. I think I've stretched to the limit of
18 what I can recall now.
19 Q. Did -- would one of these other
20 organizations have been headed up by John Giamatteo?
21 A. Yes, I'm sure.
22 Q. And do you remember that or is that
23 something that you're kind of inferring?
24 A. Well, I'm inferring. However, he ran one of
25 only two sales organizations other than her own. So

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1 Q. Do you recall during this conversation
2 whether Ms. Sandhu was discussed?
3 A. Do I recall it, no? I don't believe it
4 happened however.
5 Q. Was the elite customer group discussed
6 during this phone call with Mr. Giamatteo?
7 A. Specifically, no.
8 Q. Was it discussed more generally?
9 A. If you talk about sales alignment, sales
10 organization, sales objectives, yes.
11 Q. Did Mr. Giamatteo express to you that he
12 thought the sales structure should have been
13 reorganized?
14 A. During that conversation, I don't recall
15 that having been a topic.
16 Q. During this phone call with Mr. Giamatteo
17 did you discuss the possibility of his becoming CEO?
18 A. No.
19 Q. Other than what we've discussed, can you
20 recall anything else that you discussed with
21 Mr. Giamatteo during the conversation shortly after
22 you became interim -- well, assuming that this is
23 shortly after you became interim CEO?
24 A. No, I can't recall anything else.
25 Q. My next question, you might need to consult

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1 by implication, if we're talking about the sales
2 organizations not performing well, it would have to
3 be his organization.
4 Q. Do you recall Ms. Sandhu discussing any
5 interpersonal conflicts with Mr. Giamatteo during
6 this phone call you had with her?
7 A. No.
8 Q. I'm going to ask now about -- well, did you
9 have a similar call with Mr. Giamatteo?
10 A. I did.
11 Q. What do you remember from that call, at a
12 high level?
13 A. He too felt that the organization needed to
14 change. He was focused on cost control. He was --
15 it was a much bigger picture discussion where he --
16 he spoke about the number of engineering functions
17 spread around the world. He spoke about the real
18 estate and the amount of real estate we had that he
19 felt was excessive. He ticked down the list of all
20 of the things that I would have expected someone who
21 was focused on expense issues would talk about.
22 Q. Can you recall anything else that you
23 discussed with Mr. Giamatteo during this phone call
24 or, I guess, this conversation?
25 A. Not -- not at the moment, no.

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1 with Ms. Forster, so if we have to take a short
2 break to do so, that's fine. I guess the next
3 couple of questions.
4 Did you meet with Mr. Kurtz and have a
5 conversation with him along the lines that we've
6 been discussing?
7 MS. FORSTER: I think the witness can answer
8 whether he met with Mr. Kurtz. I think
9 characterizing the nature of the conversation might
10 invade the attorney-client privilege, and I would
11 instruct the witness not to answer as to that
12 aspect. If that's acceptable to you, Counsel, then
13 we can proceed.
14 And, Mr. Lynch, if you have any question
15 about that, we can take a break.
16 THE WITNESS: I have no question on that
17 basis. Okay. The answer is yes, I met with
18 Mr. Kurtz in exactly the same way I met with
19 everyone else.
20 BY MR. TARTAGLIO:
21 Q. I'm going to ask you a question now you
22 probably need to consult with Ms. Forster about, so
23 if you need to take a short break to do so, go
24 ahead, because it's kind of legalistic in nature.
25 But during this discussion with Mr. Kurtz,



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1 did you discuss any topics that were not covered by
2 the attorney-client privilege?
3 MS. FORSTER: Yeah. I'm not going to have
4 my witness opining as to what's within
5 attorney-client privilege as a lay witness.
6 So I will just instruct the witness not to
7 answer that question.
8 **THE WITNESS: Okay.**
9 MR. TARTAGLIO: Well, I'm inviting you to
10 have a discussion. Perhaps they talked about
11 business things, reorganizing the business,
12 streamlining, closing offices. I don't know. This
13 is all speculation. But if they talked nonlegal
14 matters, you two can confer and see if you can
15 answer the question without revealing privilege. I
16 would encourage you to do so actually.
17 MS. FORSTER: Would it not make more sense
18 for us to do that during a break rather than taking
19 a break now just for this specific purpose of that?
20 I'm not sure that is something that we can untangle
21 quickly. Maybe it is, but I don't know. So are you
22 suggesting you want to stop the deposition and take
23 a break for the purpose of me conferring with
24 Mr. Lynch about that for this one question?
25 MR. TARTAGLIO: If you think it can be done

Page 60

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21 [REDACTED]
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23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 in five minutes, I think that's worth it. If not,
2 we can -- we can do it -- you can talk about it over
3 lunch perhaps.
4 MS. FORSTER: I think that would make more
5 sense.
6 BY MR. TARTAGLIO:
7 * Q. Okay. Well, how about this? During this
8 conversation with Mr. Lynch -- Mr. Kurtz, did you
9 discuss Neelam Sandhu?
10 MS. FORSTER: I, again, will instruct the
11 witness not to answer as to the content of the
12 conversation with Mr. Kurtz at least pending our
13 discussion over lunch to tease out whether there was
14 any nonprivileged aspect to that conversation.
15 MR. TARTAGLIO: All right. I'll make a note
16 to revisit this later in the day.
17 MS. FORSTER: Yeah, that's fine.
18 BY MR. TARTAGLIO:
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

Page 61

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Page 62

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19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 A. No.
2 Q. Did you meet with Tim Foote in a similar
3 fashion shortly after you became interim CEO?
4 A. I did. I met with him for two reasons.
5 Number one, in a similar fashion, yes. Also
6 recognizing that he was the investor relations
7 person. It was important that we be on the same
8 page relative to the public pronouncements that
9 would be made through the office of the investor
10 relations person.
11 Q. And investor relations -- because some of
12 the jurors, they might -- might not be familiar with
13 that. What generally does investor relations do
14 within the company?
15 A. Investor relations is essentially a public
16 relations-type of function that is focused
17 specifically on shareholders and other investors
18 within the business. So if it's a shareholder or a
19 bondholder or a loan note holder that is interfacing
20 with BlackBerry, the investor relations people are
21 the ones that have that day-to-day relationship with
22 them.
23 Q. And what do you recall from the conversation
24 you had with Mr. Foote after you became interim CEO?
25 A. Because he wasn't a direct report, he wasn't

Page 63

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 Q. I think you mentioned that when you were
11 talking about your conversation with Ms. White-Ivy,
12 she mentioned some friction among some of the --
13 well, I don't want to put words in your mouth, but
14 do you remember -- do you remember that point from
15 earlier?
16 A. Yes.
17 Q. What do you recall from what Ms. White-Ivy
18 said about the friction within the company?
19 A. She -- I essentially have already described
20 it to you this way and just reiterated, she told me
21 that there was friction among the executive team and
22 it was frustrating to her and I should just know
23 that.
24 Q. Did she say anything about Ms. Sandhu
25 specifically?

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1 a -- what I will call the executive cadre, per se.
2 The discussion was somewhat abbreviated. I didn't
3 pursue a lot of points that I might have with the
4 other folks about, you know, how would you organize
5 the business, what did you see in it. I spent more
6 time with him discussing the investor perspective of
7 what was going on and how we needed to message that.
8 Q. And did Mr. Foote discuss with you any
9 interpersonal conflicts at the management level?
10 A. No.
11 Q. Did Mr. Foote say anything to you about
12 Neelam Sandhu?
13 A. No.
14 Q. Did you have a similar --
15 A. Now, you -- let me again -- let me clarify.
16 The question is during that initial discussion with
17 him?
18 Q. Yes.
19 A. Okay.
20 Q. And after that initial discussion, did you
21 have a conversation with Mr. Foote about working
22 with Ms. Sandhu?
23 A. I had a follow-on discussion where I asked
24 him to please oversee the totality of the public
25 relations, investor relations function but that was



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1 after the decision had been made to terminate
2 Neelam.
3 Q. And between this initial call with Mr. Foote
4 and the subsequent discussions about him taking over
5 some functions in light of Ms. Sandhu's departure,
6 did you have any other conversations with Mr. Foote?
7 MS. FORSTER: Objection. The question as
8 phrased misstates the witness's testimony.
9 If you understand it, though, you may go
10 ahead and answer.
11 MR. TARTAGLIO: Okay. I'll ask you,
12 Ms. Forster, because I'd rather ask a good question
13 than a bad question, what did I get wrong there?
14 MS. FORSTER: I think you said -- you asked
15 Mr. Lynch whether his conversation -- you
16 characterized the conversation with Mr. Foote as
17 taking over certain functions in light of
18 Ms. Sandhu's departure, and that's -- I don't
19 believe he testified that that was the reason for
20 his call with Mr. Foote. It may have been, but I
21 don't think he testified to that.
22 MR. TARTAGLIO: Okay. All right. I may
23 have been assuming some facts there, so I will
24 restate it.
25 / / /

Page 68

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6 [REDACTED]
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20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 BY MR. TARTAGLIO:
2 Q. So between the initial phone call with
3 Mr. Foote and then later on you had some discussions
4 about him taking on some PR-type duties, did you
5 have any other conversations with Mr. Foote in the
6 meantime?
7 A. I had periodic very quick phone calls with
8 him. I'm sure that I can't cite each and every one.
9 But they went to the heart of the investor relations
10 issue that we were contending with at the time.
11 Q. And during that interim period when you'd
12 have these conversations with Mr. Foote, did
13 Ms. Sandhu ever come up?
14 A. I don't -- I think the answer is no, yeah.
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

Page 69

1 [REDACTED]
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4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 Q. Do you know who [REDACTED] -- and I'll put it in
13 here for the court reporter spelling.
14 Do you know who Steve Rai was?
15 A. I do not recall the name. What's the last
16 name again?
17 Q. [REDACTED]
18 A. Oh, [REDACTED]
19 Q. Oh, [REDACTED]. Okay.
20 A. [REDACTED] yes. [REDACTED]
21 [REDACTED]
22 Q. Did you have a similar sort of phone call or
23 other communication with [REDACTED] after becoming
24 interim CEO?
25 A. I did have a discussion with him as I did



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1 with the other executives. It was a -- again,
2 roughly a 30-minute discussion. We discussed many
3 of the same topics that each of the other managers
4 talked about with us.
5 Q. And during this conversation with [REDACTED]
6 did Neelam Sandhu come up at all?
7 A. No.
8 Q. And did -- did friction between some of the
9 business units come up during this discussion with
10 Mr. Rai?
11 A. Yes.
12 Q. What do you recall along those lines?
13 A. That -- that [REDACTED] was frustrated and
14 unhappy that his cost-reduction objectives were not
15 being taken seriously, as he perceived it, by others
16 within the executive team.
17 Q. Do you recall [REDACTED] saying anything about
18 tensions between the elite customers group and some
19 other group within the company?
20 A. No.
21 Q. And this is something where you can look at
22 the documents to help you if you'd like, because I
23 think it's pretty important.
24 Do you recall when you had this conversation
25 with Ms. Sandhu, this 30-minute phone call that we

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1 potentially terminating her or was that a thought
2 that came up later?
3 A. If you're asking was it driven by the
4 interview, no. I need to explain the process if
5 you'd allow me. Project mustard is an important
6 component of the survival of BlackBerry as we knew
7 it. And in order to accomplish project mustard,
8 three or four things had to happen. One of them was
9 an enormous reduction in the executive team, a
10 streamlining of the business, an elimination of
11 corporate roles, and the establishment of two
12 separate business units. And I did that a variety
13 of ways, but one of the ways in which I did it was
14 to look at the organization chart and identify the
15 people who were not in one of those business unit
16 roles and had no business unit functions. And I --
17 I refer to those as "corporate people." And as a
18 result of that thinking, I had already identified
19 Neelam's role as one that would not survive the
20 project mustard process.
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 talked about earlier?
2 A. It was right after the group meeting that I
3 had by phone with the executive team. I believe it
4 was within a day or two. May have been the same day
5 for all I remember.
6 Q. At some point -- well, I should ask you: At
7 some point did you decide to terminate Ms. Sandhu's
8 employment?
9 A. Yes.
10 Q. When -- and you can go either with a
11 specific date or just perhaps in relation to some
12 other dates or events. Recall the example earlier,
13 "Oh, I remember that was about the time my daughter
14 graduated high school." So if you can estimate that
15 way, that's fine. But are you able to provide an
16 estimate for when you decided that you would be
17 terminating Ms. Sandhu's employment?
18 A. It was between the first day that I was in
19 the role and probably the end of that week.
20 Q. And did you make the decision to terminate
21 her employment before or after the 30-minute phone
22 call you had with her?
23 A. Oh, it was after the 30-minute phone call.
24 Q. And before the phone call, going into the
25 phone call, were you already thinking about

Page 73

1 a [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 Q. Sorry. There's a siren going by.
18 And do you recall what Neelam's -- well,
19 Ms. Sandhu's job titles were around the time you
20 became interim CEO?
21 A. She was the corporate marketing. She was
22 the corporate elite salesperson, and she had a
23 sustainability role, which I don't believe had a
24 title with it.
25 Q. And so what was the -- what was the thinking



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1 about what would happen to her marketing duties
2 after she was terminated?
3 A. They would move to the two business units
4 and there would be little or no corporate marketing.
5 Q. So the two business units, what were those
6 two, by the way, that you're referring to?
7 A. At the time they were called "cyber business
8 unit" and "internet of things," or "IoT" business
9 unit.
10 Q. And did cyber and internet of things already
11 have their own head of marketing?
12 A. Yes.
13 Q. And as for the sustainability aspect of her
14 job, what was the plan for how that would be handled
15 after project mustard went into effect?
16 A. We would find a home for that in the legal
17 organization, which is where the other components of
18 that role were already. And so putting
19 sustainability into legal was a fairly easy way to
20 accomplish the elimination of the corporate, you
21 know, function that Neelam was doing.
22 Q. And I think the third thing you mentioned
23 was elite customer group; is that -- is that
24 correct?
25 A. Yes.

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1 [REDACTED]
2 Q. And so I'm going to make a statement now
3 which you're probably going to disagree with, but
4 I'm interested to see why you would disagree with
5 it. So here's something that someone might say. It
6 looks as if this project mustard is taking job
7 duties that would have been done by one person and
8 having it being done by two people. So isn't that
9 less efficient to have two people doing it instead
10 of one person? How would you respond to that?
11 A. I can talk all afternoon on that. No, I
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 The idea of having two separate business
20 units that are mean and lean and don't require a lot
21 of corporate overhead was a good portion of the
22 reason for mustard. And so if you take what was
23 being done in one place and you move only what needs
24 to be done to the two business units and make them
25 responsible for the cost of those functions, it's

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1 Q. And what was the plan for what was going to
2 happen to the elite customer group after project
3 mustard?
4 A. Well, that was easy because essentially the
5 elite customer group was a sales function with some
6 sales support. And cyber and IoT both have a sales
7 function with sales support, so it was a matter of
8 moving those customers back into one of the two
9 business units.
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 amazing how quickly a lot of that functionality
2 isn't needed anymore. And that was the thinking
3 that I used in driving early project mustard.
4 Q. Was the plan for project mustard to have a
5 formal separation of the two business units? For
6 example, a spinoff company, or was it to have the
7 same legal structure but just have more of a
8 different internal structure?
9 A. The answer I have to give you is the public
10 answer, which is that we are positioned to prepare
11 for any strategic eventuality. I hope that's clear.
12 If not, I'll try again.
13 But, Katherine, help me here to make sure I
14 don't go off too far. But the whole concept --
15 MS. FORSTER: If I may -- if I may, if
16 you're concerned about confidentiality, I know that
17 we have a protective order in place in the case, and
18 if there is more of an explanation you can provide,
19 if it is designated as confidential, then we can do
20 that. So would you feel more comfortable responding
21 to this question if we designate this as
22 confidential?
23 THE WITNESS: Yes.
24 BY MR. TARTAGLIO:
25 Q. It might help if I ask it this way: So



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1 BlackBerry, they might have future plans for
2 acquisition or spinoffs, corporate restructuring, I
3 don't know. But I'm not asking about things that
4 might happen in the future. So 2025 going onward,
5 you don't have to worry about that.
6 So -- but around the time that you were
7 interim CEO, was the thinking that for project
8 mustard there was going to be some sort of a formal
9 company split or spinoff or was this more of like an
10 internal restructuring?
11 A. This was an internal restructuring to
12 prepare for the future.
13 Q. And was there eventually some sort of a
14 spinoff or formal separation of the business units?
15 A. There has been a sale of a piece of the
16 cyber business unit since project mustard has
17 occurred. That was publicly announced when we sold
18 the Cylance business, which was a part of the
19 project mustard focus. So, yes, we have seen some
20 action since -- since the separation of the two
21 business units. But there is still a -- what I
22 refer to as a thin corporate layer because we only
23 have one stock, and we have corporate entities that
24 we have to deal with. So that is what remains in
25 the -- the corporate world. Everything else is in

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1 A. Because the business already had functioning
2 marketing people in those roles, and it seemed to me
3 that that was a more effective way to -- to handle
4 the business.
5 Q. Did Ms. Sandhu's personality have anything
6 to do with the decision not to place her in a
7 different role in the company?
8 A. I would say yes, it did.
9 Q. How so?
10 A. I had come to learn from the variety of
11 interviews I had done and some feedback I'd received
12 since I became the interim CEO that she had
13 difficulties in relating to others within the
14 business. I had watched her interact very
15 negatively with one of her peers that I had to
16 manage and make peace. It just seemed to me that
17 based upon my experiences with her in that period of
18 time that she was not -- there was no justification
19 for me to move someone else out to find her a role.
20 I thought it made more sense to -- since none of her
21 roles would continue as they were, it seemed logical
22 that she would be the one that we would terminate.
23 Q. I'm going to ask now a series of questions,
24 and I'm going to make a distinction between
25 firsthand knowledge -- so things that you observe

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1 the business units.
2 Q. Was there some thinking around the time you
3 decided to terminate Ms. Sandhu's employment about
4 finding her another role within the company?
5 A. I am always open to those kinds of things,
6 and I told all of the executive team that I was open
7 to that, but we needed to cut back the number of
8 executives. I warned over the years that you can't
9 cut back executives or I -- say it the other way.
10 You cannot effectively reduce the cost of doing
11 business if you don't reduce the number of
12 executives that are in that business. And so to me,
13 executive reduction needs to precede the reduction
14 of the overall business. And there were and have
15 been thousands or more people who have been let go
16 from Verizon -- from BlackBerry since we began
17 project mustard.
18 Q. And I guess more specifically, did you
19 consider placing Neelam -- Ms. Sandhu somewhere else
20 in the company, for example, within the IoT group,
21 let's say, as their head of marketing? Was there
22 any consideration about -- about that sort of a
23 placement?
24 A. No.
25 Q. Why not?

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1 personally. You hear things, see things -- and
2 secondhand knowledge, which is things you hear about
3 from someone else. You probably -- well you might
4 know this in the law, those are sometimes treated
5 differently. So I'm going to make a distinction
6 between firsthand knowledge, things you personally
7 observed, secondhand knowledge, events you heard
8 about from someone else.
9 And so for firsthand knowledge, what sort of
10 things did you observe about Ms. Sandhu that -- that
11 influenced the opinion you reached about her ability
12 to work with her colleagues?
13 A. I recently -- I earlier described the
14 interaction I had with her at dinner. Refer you
15 back to that as one of the things that I recall and
16 it left an impression for me. The second was the
17 actual dialogue I had with her in that 30-minute
18 call, that I just felt that her approach to the
19 problems was that they were problems and she could
20 fix them, but no follow through on that. I think
21 that those things, coupled with her position,
22 coupled with my desire to move forward with the
23 people that were in place, all led me to believe
24 that she was the one that should be terminated.
25 Q. And I think you mentioned -- the phrase you



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1 used was "no follow through" in this conversation
2 with Ms. Sandhu. Could you explain what you meant
3 by that?

4 A. The -- the best way to describe it is that
5 I -- I -- there was -- I hate to use the word
6 "accusation." There was opinions expressed, and
7 there was not a, "Here's what I'm going to do about
8 it. Here's what I can do about it." It was, there
9 were opinions expressed. Where some of the other
10 people I interviewed and talked with, "here's the
11 issues, here's how we should fix them."

12 Q. And you mentioned a negative interaction
13 that Ms. Sandhu had had with one of her colleagues.
14 What do you recall about that?

15 A. Yes. The interaction there was that one of
16 her colleagues was being awarded -- given an award
17 and that colleague was looking to provide some
18 expense support for bringing female managers from
19 BlackBerry to the awards dinner to demonstrate that
20 BlackBerry was supportive of female managers and
21 female engineers, and Neelam refused to. And I was
22 asked to -- by the other manager who was being given
23 the award, I was asked to essentially negotiate it
24 between the two of them, and I did. And Neelam
25 immediately agreed to make the expenditure. But

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1 had some emails regarding this dispute with
2 Ms. Dickman. Can you recall any other interactions
3 you had with her before you told her of her
4 termination?

5 A. Yes. Well, direct, no. No, they were --
6 I'll wait for your second question to give the next
7 answer.

8 Q. My follow-up question, which looks like you
9 anticipated is I'm now going to pivot to not
10 firsthand interactions with Ms. Sandhu. In other
11 words, things that other people told you about
12 Ms. Sandhu.

13 Did anyone tell you that Ms. Sandhu was -- I
14 guess other than the John Chen conversation we had
15 earlier -- or we discussed earlier, did anyone else
16 tell you that they found it difficult to work with
17 Ms. Sandhu?

18 A. If I can rephrase your question just
19 slightly I can answer it more productively.

20 Q. Go ahead.

21 A. That is, did anyone else make it clear to me
22 that she was -- she had difficulties with others?
23 Yes. I have been told by people within the HR
24 organization that she had difficulties with other
25 people. That was all in the -- didn't it run up to

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1 there should have been no need for the CEO of the
2 business to get involved with what amounted to a
3 very, very insignificant amount of money.

4 Q. And who was that other person?

5 A. It's a woman by the name of Marjorie
6 Dickman.

7 Q. So it sounds like -- and so going on your
8 firsthand experience with Ms. Sandhu, it sounds like
9 you had this dinner with Ms. Sandhu before you
10 became interim CEO. It sounds like you had some
11 conversations with her about this issue with
12 Ms. Dickman, and --

13 A. Emails. Those were all done with email.

14 Q. Email. Okay. So sounds like -- and this is
15 going to be kind of a long question, so I will give
16 you a roadmap of where I am going. I'm trying to
17 get an exhaustive collection of the conversations --
18 I guess, it could be over email -- but
19 conversations, interaction you had with Ms. Sandhu
20 before you decided to terminate her or before you
21 told her you would be terminating her.

22 So it sounds like before you told Ms. Sandhu
23 about her termination, you had this dinner with her,
24 which is before you became interim CEO. You had the
25 30-minute phone call we talked about earlier. You

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1 the actual termination discussion I had with her,
2 but that came out of that one.

3 Another example of that is that I had
4 specifically instructed that John Chen's biography
5 be removed from the BlackBerry website over the
6 weekend. Sorry, don't remember which weekend, but
7 over the weekend. And Neelam made very clear that
8 that was her decision to make and not mine, and that
9 she told someone in her organization not to do it.
10 And I have seen an email to the effect that -- it
11 was an explanation back that, you know, it was her
12 role and that her role was not to be violated. I
13 obviously beg to differ with that as the CEO of the
14 company.

15 Q. And as for this website issue, did you -- do
16 you remember who this individual was who had been
17 asked to change the website?

18 A. The -- the long -- the individual that I
19 asked was I instructed Phil Kurtz to get it done.
20 The individual who Phil Kurtz asked to get it done
21 is not within my purview to remember, I'm afraid.
22 So I don't remember the last -- the individual who
23 was actually told not to do it, but Phil Kurtz was
24 the one I asked to have it done.

25 Q. Might it have been Ms. Hanson?



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1 **A. I don't know. I don't remember.**

2 **Q. Do you know whether BlackBerry had some sort**

3 **of policy in place about how the website should be**

4 **updated?**

5 **A. They had policies for everything, including**

6 **travel to various places that you had to run through**

7 **John Chen to get just about anything done. But that**

8 **was again part of the John Chen era and at the time**

9 **it made sense but it didn't make sense now.**

10 **Q. Do you have an opinion on whether Ms. Sandhu**

11 **was following the policy when she insisted that the**

12 **website update be approved by her?**

13 **A. She's not following policy when the CEO**

14 **tells someone to get it done. That's -- a policy is**

15 **something that comes to eliminate the need for the**

16 **individuals within the organization who have that**

17 **decision-making to delegate that decision-making.**

18 **But as the CEO of the company, I don't believe that**

19 **someone who is, quote, got a policy in their -- in**

20 **their hand or in their pocket can overrule what the**

21 **CEO says they want to do. If it's a board policy,**

22 **that's a different story. But if it's a policy that**

23 **comes from the CEO, CEO can overrule it. So I -- I**

24 **don't buy that argument.**

25 **Q. And I think you mentioned that Mr. Kurtz had**

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1 conversations where you heard secondhand about

2 Ms. Sandhu being difficult to work with?

3 **MS. FORSTER: Vague and ambiguous as to**

4 **time.**

5 **THE WITNESS: I can't give you a specific**

6 **time and individual, but I can tell you that during**

7 **the course of my dialogues with the executive team**

8 **immediately after taking place -- taking John Chen's**

9 **place that I was told that she was difficult to work**

10 **with.**

11 **BY MR. TARTAGLIO:**

12 **Q. Do you remember who told you that?**

13 **A. No.**

14 **Q. Can you remember with any more detail the**

15 **words that were used to convey this idea that she**

16 **was difficult to work with?**

17 **A. No.**

18 **Q. Did -- well, so this is kind of a broader**

19 **question. We've been talking for a while now about**

20 **the reasons why you decided not to -- to, I guess,**

21 **reposition or relocate Ms. Sandhu within the**

22 **company. Can you think of any other reasons other**

23 **than what we've discussed today about why you**

24 **decided not to place Ms. Sandhu somewhere else**

25 **within the organization?**

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1 executed your instruction to update the website; is

2 that right?

3 **A. He attempted to, yes.**

4 **Q. Do you know if Ms. Sandhu was aware that**

5 **even though Mr. Kurtz was the one giving this order,**

6 **that it was actually you who had originated the**

7 **order?**

8 **A. I do not know that.**

9 **Q. So we talked about -- or you mentioned**

10 **rather some conversations with HR about Ms. Sandhu.**

11 **What do you recall from that?**

12 **A. At the time that I indicated that, you know,**

13 **I was looking to package the necessary documents to**

14 **terminate her, I was told that she probably would be**

15 **difficult to deal with about these things and that I**

16 **needed to just be aware of that and I was. She --**

17 **I'd been made aware of it.**

18 **Q. Can you recall with any more specificity**

19 **what was told to you about her being difficult?**

20 **A. No, I can't.**

21 **Q. Okay. And so we spoke about the fact that**

22 **you had some discussions with HR in which Ms. Sandhu**

23 **was described as being difficult to work with in**

24 **some ways. We discussed about -- we discussed this**

25 **website update incident. Do you recall any other**

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1 **A. No. Frankly, I don't think that I would**

2 **need any other reasons. I think I had a very**

3 **logical management-driven process that I used and**

4 **that -- that was really my decision process that**

5 **drove to that -- that end point.**

6 **Q. Did you ask Ms. Sandhu her opinion about**

7 **project mustard and her role being eliminated as a**

8 **result of that?**

9 **A. No.**

10 **Q. Did you ask Ms. Sandhu about these**

11 **allegations you had been hearing about her being**

12 **difficult to work with?**

13 **A. No.**

14 **Q. So I'll give you an example of something**

15 **that happens in the media. Oftentimes when an**

16 **article is published about someone, that person**

17 **will -- the reporter will call up that person, give**

18 **them the chance to respond before the article goes**

19 **to press. The thinking being that if accusations**

20 **are being made against someone, they should have a**

21 **chance to give their side of the story so to speak.**

22 **So that's a preamble. That's not my question.**

23 **My question is did you go to Ms. Sandhu and**

24 **ask her for her side of the story as to these**

25 **allegations about her being difficult to work with?**



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1 A. No, because it wasn't relevant. I had
2 already made the decision based on, I think, sound
3 management judgment that she was in a position that
4 was going to be terminated -- or eliminated is the
5 better word, and that I had concluded that we needed
6 to eliminate some of our executive team, and that it
7 was logical that a person whose total job was
8 eliminated that would be one of the people that
9 would leave. So the answer to your question with
10 that caveat is no, I did not, and I don't think I
11 should have at that point because it would have been
12 of no additional value since the decision process
13 that I made was driven primarily by the
14 organizational requirements and those other items
15 that we've talked about, the -- our -- what I would
16 call confirmatory points that justified -- not
17 justified but confirmed my earlier decision. So
18 sorry to be so emotional about it, but it just seems
19 like we're going down a track that says, "Well,
20 shouldn't we ask?" Well, not, really. In my view,
21 at this point we're talking about a management
22 decision that needed to be made. So sorry about
23 that, but I just needed to get that off my chest.
24 Q. Do you know whether Ms. Sandhu was ever
25 given performance reviews, let's say for the time

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1 particular sale or this particular project," and
2 employees will oftentimes keep those sorts of
3 communications, give them to their manager, give
4 them to HR.
5 Did you make any inquiries as to whether
6 Ms. Sandhu had received any sort of laudatory praise
7 from a customer?
8 A. No. I'm sorry. Did you miss my last
9 answer?
10 Q. No, I'm just thinking. I don't have every
11 question scripted out so I need --
12 A. No, that's okay. I -- you just looked like
13 you had froze there, and I wanted to be sure the
14 electronics were still working.
15 Q. Did anyone tell you -- so this is for the
16 time period you're interim CEO. Did anyone tell you
17 that they thought that Ms. Sandhu should be fired?
18 A. No.
19 Q. Did Mr. Giamatteo -- Giamatteo ever tell you
20 that he thought Ms. Sandhu should be fired?
21 A. No.
22 Q. Did Mr. Giamatteo ever tell you that he
23 thought Ms. Sandhu was difficult to work with?
24 A. No.
25 Q. Did Mr. Giamatteo ever tell you that he

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1 period for the three years leading up to her
2 termination?
3 A. I don't know that.
4 Q. Did you make any attempt to determine
5 whether she had any performance reviews in the years
6 leading up to her termination?
7 A. No.
8 Q. Do you know whether she had gotten any
9 promotions or raises within, let's say, the three
10 years leading up to her termination?
11 A. I can't give you the answer on basis of
12 three years. I can tell you that she had moved from
13 one role to another and that the role that she --
14 that had been created for her was the role that she
15 had been put in. That's the totality of what I know
16 about that.
17 Q. Sometimes employees will get commendations
18 or awards from the company. Did you inquire as to
19 whether Ms. Sandhu had ever received any sort of
20 commendation or award from BlackBerry?
21 A. No.
22 Q. Sometimes people, especially in more
23 customer-facing roles, will keep laudatory feedback
24 from a client. So let's say a client sends an email
25 that says, "Hey, you did an awesome job on this

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1 wanted Ms. Sandhu to be fired before he became CEO?
2 A. No.
3 MR. TARTAGLIO: This seems like a good time
4 for another break.
5 MS. FORSTER: Okay. How long?
6 MR. TARTAGLIO: Can we come back at, I
7 guess, like, 11:25? Does that work for people?
8 MS. FORSTER: Yep.
9 MR. TARTAGLIO: Okay. See you soon.
10 THE VIDEOGRAPHER: This marks the end of
11 Media Number 1. We are now going off the record.
12 The time is 11:17 a.m.
13 (Off the record: 11:17 a.m. to 11:28 a.m.)
14 THE VIDEOGRAPHER: We are now on the record.
15 The time is 11:28 a.m. This marks the beginning of
16 Media Number 2 in the deposition of Dick Lynch on
17 June 5, 2025. Please continue.
18 BY MR. TARTAGLIO:
19 Q. Mr. Lynch, I think you testified earlier
20 that at a high level, the thinking behind some of
21 these management cuts was that there were some
22 company-wide management duties that could have been
23 done within the individual business units. Was that
24 the gist of it?
25 A. That's -- that's a subordinate component of



<p style="text-align: right;">Page 94</p> <p>1 the strategy, yes.</p> <p>2 Q. But that was one part of the strategy?</p> <p>3 A. That was part of the strategy, yes.</p> <p>4 Q. And I think you mentioned that there were</p> <p>5 some duties that would still need a company-wide</p> <p>6 manager. I think you mentioned chief financial</p> <p>7 officer, and I assume chief executive officer as</p> <p>8 well. But did -- were there any other company-wide</p> <p>9 management positions that you think needed to stay</p> <p>10 and continue to be company wide?</p> <p>11 A. We needed a -- a legal representative on a</p> <p>12 company-wide basis, and we needed a very small</p> <p>13 function for human resources on a company-wide</p> <p>14 basis.</p> <p>15 Q. And for -- so for human resources, was the</p> <p>16 thinking that the management role -- the</p> <p>17 company-wide management role would be eliminated or</p> <p>18 that there would be someone who would continue to be</p> <p>19 sort of a company-wide HR person?</p> <p>20 A. Well, actually the way that the process has</p> <p>21 planned and worked out is that all four of the</p> <p>22 individuals who are in the, quote, corporate</p> <p>23 functions are also within a business unit and</p> <p>24 function as a business unit and as the corporate</p> <p>25 function. And I'll use as an example of that, the</p>	<p style="text-align: right;">Page 95</p> <p>1 corporate CFO is also the CFO for the cyber business</p> <p>2 unit. And we have done that with each of the four</p> <p>3 people who are still, quote, corporate level.</p> <p>4 Q. Is there a chief executive officer</p> <p>5 currently?</p> <p>6 A. Yes.</p> <p>7 Q. And presumably his duties accompany both of</p> <p>8 the -- the cyber security and internet of things</p> <p>9 business units?</p> <p>10 A. At a corporate reporting level, yes. But</p> <p>11 there are two presidents of the two business units.</p> <p>12 The CEO is also the -- you know, name is important</p> <p>13 here, I'm sure. But Giamatteo is the corporate CEO.</p> <p>14 He is also the president of the cyber business unit</p> <p>15 or what is now called the secure communications</p> <p>16 business unit.</p> <p>17 There is a -- someone by the name of Mattias</p> <p>18 Eriksson, who is the president of the IT or what we</p> <p>19 now call the QNX business, and while he reports to</p> <p>20 John Giamatteo corporately, he runs his own</p> <p>21 business.</p> <p>22 Q. Do you recall what -- and you don't have to</p> <p>23 have the exact wording if you don't remember it.</p> <p>24 But do you recall what Nita White-Ivy's job duty was</p> <p>25 when she was -- well, when she left the company?</p>
<p style="text-align: right;">Page 96</p> <p>1 A. Well, her role was the -- the totality of</p> <p>2 all of the HR functions throughout the entire</p> <p>3 company. It incorporated and everyone reported to</p> <p>4 her on a straight-line basis into her for all the HR</p> <p>5 functions.</p> <p>6 Q. Does BlackBerry currently have a chief</p> <p>7 people officer?</p> <p>8 A. Yes. But also runs the cyber business unit</p> <p>9 HR organization. Because there is no full-time role</p> <p>10 for a chief people officer at a corporate level.</p> <p>11 Q. Does the BlackBerry chief peoples officer's</p> <p>12 job duties encompass both the QNX as well as the</p> <p>13 cyber security divisions?</p> <p>14 A. From an oversight standpoint, I would say</p> <p>15 yes. From a functional standpoint, no.</p> <p>16 Q. Well, let me know if you disagree with the</p> <p>17 statement or agree with it, that Nita White-Ivy's</p> <p>18 job position remains, even though she's no longer</p> <p>19 with the company, but there is someone who does</p> <p>20 similar job duties to what she did. Is that a</p> <p>21 statement you agree with?</p> <p>22 A. No, I don't. Her role was three functions,</p> <p>23 all of which have gone into the business units. And</p> <p>24 only one of which, sustainability, would be</p> <p>25 perceived as being a corporate role today. The</p>	<p style="text-align: right;">Page 97</p> <p>1 other two roles are clearly business unit roles.</p> <p>2 Q. And BlackBerry currently has a chief</p> <p>3 financial officer?</p> <p>4 A. Yes.</p> <p>5 Q. And who holds that position currently?</p> <p>6 A. That's Tim Foote, and he's also the CFO of</p> <p>7 the cyber business unit because there isn't a</p> <p>8 full-time CFO role at the corporate level required.</p> <p>9 Q. And then there's the chief legal officer.</p> <p>10 Is that Phil Kurtz?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. I'm going to share a screen, because</p> <p>13 I'm not trying to play pop quiz with you. I don't</p> <p>14 think we're going to make this an exhibit because I</p> <p>15 think you probably know who these people are.</p> <p>16 But -- so would you agree that Jennifer</p> <p>17 Armstrong-Owen is the chief people officer of</p> <p>18 BlackBerry?</p> <p>19 A. Yes.</p> <p>20 Q. And her job duties would encompass both QNX</p> <p>21 as well as the cyber business unit?</p> <p>22 A. Not in the same sense that Nita White-Ivy's</p> <p>23 function was construed.</p> <p>24 Q. Well, would you agree that</p> <p>25 Ms. Armstrong-Owen is the chief people officer for</p>



<p style="text-align: right;">Page 98</p> <p>1 the entire company of BlackBerry?</p> <p>2 A. I would give -- I would say, yes, she has</p> <p>3 that title, and she has oversight on one business</p> <p>4 unit and has functional responsibility for the</p> <p>5 other.</p> <p>6 Q. And then there's Mr. John Dimitropoulos.</p> <p>7 I'm probably butchering his name. Apologies to him.</p> <p>8 And his job duty is listed as senior vice president</p> <p>9 and chief strategy officer.</p> <p>10 A. Yeah.</p> <p>11 Q. Is that consistent with your understanding?</p> <p>12 A. Yes.</p> <p>13 Q. And does Mr. Dimitropoulos -- does -- do his</p> <p>14 job duties encompass one particular business unit or</p> <p>15 the whole company's?</p> <p>16 A. It is -- it is essentially the cyber</p> <p>17 business unit or the -- what you would call the --</p> <p>18 now call the secure communications business unit.</p> <p>19 But he also assists Mattias to the degree that</p> <p>20 Mattias needs strategic help.</p> <p>21 Q. And then we've been talking about</p> <p>22 Mr. Mattias Eriksson, so he's president of</p> <p>23 BlackBerry Internet of Things, which I guess could</p> <p>24 also be known as QNX; is that correct?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 99</p> <p>1 Q. And we talked about Mr. Foote. He's chief</p> <p>2 financial officer.</p> <p>3 A. Well, but he's chief financial officer for</p> <p>4 the business unit, and he also does the chief</p> <p>5 financial officer function as it exists in its</p> <p>6 reduced state for the corporation. So his role is a</p> <p>7 business unit role with the add on of what is --</p> <p>8 whatever is left in the corporate world.</p> <p>9 Q. Well, would you agree that Tim Foote is</p> <p>10 BlackBerry's chief financial officer?</p> <p>11 A. Oh, sure. Yeah.</p> <p>12 Q. He's responsible for the financial reporting</p> <p>13 compliance with the whole company of BlackBerry?</p> <p>14 A. That's the role that he plays there, yes.</p> <p>15 Q. And then I see Jesse Harold here, who is</p> <p>16 listed -- Harold is with an O, by the way.</p> <p>17 H-A-R-O-L-D. He's listed as a senior vice</p> <p>18 president, chief information officer and chief</p> <p>19 information security officer. Are his duties</p> <p>20 company wide or are they focused on one particular</p> <p>21 business unit?</p> <p>22 A. Actually his -- it's a combination of</p> <p>23 things. Jesse is in the process of working himself</p> <p>24 out of a job. He still runs the -- what I will call</p> <p>25 "old corporate systems" for the entirety of the</p>
<p style="text-align: right;">Page 100</p> <p>1 company. But his job is to whittle those down to</p> <p>2 the point where the two entities have their own</p> <p>3 units, and he would at that point in time be</p> <p>4 subsumed into one of those units or no longer</p> <p>5 needed. So that's -- that's what he is working on</p> <p>6 currently. But to argue his title, that's his</p> <p>7 title, yes.</p> <p>8 Q. And we see Phil Kurtz is chief legal officer</p> <p>9 and corporate secretary for BlackBerry; right?</p> <p>10 A. Correct, yes.</p> <p>11 Q. And so his duties encompass all the business</p> <p>12 units; is that fair to say?</p> <p>13 A. Yes. Except that there is actually a chief</p> <p>14 legal officer, probably not by that title, inside</p> <p>15 the QNX business -- who handles the QNX business.</p> <p>16 Q. How would you respond if someone were to</p> <p>17 argue that, well, we have all of these corporate</p> <p>18 people who still -- still have responsibility over</p> <p>19 the whole company so -- so why is that the case when</p> <p>20 you testified earlier that the intent was to try to</p> <p>21 reduce some of these company-wide corporate</p> <p>22 management roles?</p> <p>23 A. This is substantially reduced from where it</p> <p>24 was last October. There's a lot of people that</p> <p>25 aren't here anymore, and they all were in their</p>	<p style="text-align: right;">Page 101</p> <p>1 roles and they were all on that -- that list back at</p> <p>2 that time.</p> <p>3 The second thing that I mentioned is that</p> <p>4 virtually all of those people in that list are</p> <p>5 working in one or another of the business units and</p> <p>6 only spend part time in the corporate overhead</p> <p>7 business. So it's all part of the mustard strategy,</p> <p>8 which is still being carried out.</p> <p>9 Q. After John Chen stepped down -- so</p> <p>10 presumably the board of directors had John Giamatteo</p> <p>11 in mind as a potential successor; right?</p> <p>12 A. Yes.</p> <p>13 Q. Was there any other candidate who was</p> <p>14 considered as potential successor?</p> <p>15 A. Not in the interim period in the last six</p> <p>16 months that John Chen was in place. As I have</p> <p>17 described to you earlier, other people were</p> <p>18 considered historically, but we had reached the</p> <p>19 point where John Giamatteo was being watched over,</p> <p>20 looked at, as the likely candidate for replacing</p> <p>21 John Chen.</p> <p>22 Q. So was there a specific other individual who</p> <p>23 was being considered for the role of CEO other than</p> <p>24 John Giamatteo?</p> <p>25 A. Not at that point.</p>



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1 Q. And you said "not at that point." Was
2 there -- okay. Strike that. I think I know what
3 you mean.
4 Sometimes when a company has a vacancy at
5 the management level, the executive level, they will
6 work with some sort of recruiting agency,
7 headhunting agency, some sort of agency that
8 specializes in finding executives.
9 Did BlackBerry, to your knowledge, work with
10 any sort of a recruiting or headhunting agency to
11 help them find CEO candidates?
12 A. The process that we used based upon the
13 arrangement we had with John Chen was that John Chen
14 was commissioned to find a CEO replacement. And
15 John Chen may or may not have used such agencies.
16 That was not something that I really am in a
17 position to answer, whether he did or did not do
18 that. But he was commissioned to find us a
19 replacement for himself.
20 Q. When you were interim CEO did you ask that
21 some sort of headhunting, recruiting agency be
22 contacted to see if they could find some candidates?
23 A. No.
24 Q. After John Giamatteo became the -- I don't
25 know if permanent is the right word, but became the

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1 do the investigation, yes.
2 Q. What was the -- the general nature of -- and
3 we have a copy of it. But what do you recall the
4 general nature of the complaint being?
5 A. There was a sexual harassment claim, I
6 believe.
7 Q. And what decision did the company make as to
8 how to respond to that complaint?
9 A. Well, first of all, that we were going to do
10 a very thorough investigation. That John
11 Giamatteo's position was essentially held in
12 abeyance. That's why I was put into the role
13 because frankly if the results had come back
14 differently, I might have been getting rid of John
15 Giamatteo in the same time period that we asked
16 Neelam to leave. So we put everything in abeyance
17 until we got the results of the report.
18 Q. Was -- was BlackBerry negotiating with John
19 Giamatteo potential pay package for CEO while the
20 investigation was pending?
21 A. No, no. I did that negotiation and that
22 negotiation did not take place. There was no offer
23 made until after we had the results of the
24 investigation.
25 Q. Were there any sort of discussions with John

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1 CEO, so nonacting CEO, did you have any other
2 position within the company on a day-to-day basis or
3 were your duties just as a member of the board of
4 directors after that?
5 A. No. As we covered earlier, I was on the
6 board of directors and was the chairman of, but that
7 was -- as of the day that John Giamatteo took over,
8 that was the only thing I was doing. No management
9 role.
10 Q. Around the time that John Chen announced
11 that he was going to be leaving the company, there
12 was an anonymous complaint that was filed against
13 him. Do you recall that?
14 MS. FORSTER: Objection. I think your
15 question misstated something, Counsel.
16 MR. TARTAGLIO: Okay. Well, let me --
17 MS. FORSTER: It's not really an objection.
18 But I think just so you get a clean record, you said
19 when John Chen announced he was resigning there was
20 an anonymous complaint against him.
21 BY MR. TARTAGLIO:
22 Q. Okay. Let me -- let me put it this way.
23 Were you aware in late 2023 of any anonymous
24 complaints made against John Giamatteo?
25 A. I became aware of the one that caused us to

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1 Matteo [sic] about potentially becoming CEO while
2 the investigation was pending?
3 A. No. There were none that were discussed
4 during that period. John Giamatteo clearly had been
5 aware of why he was hired, but there had been no
6 discussion from the day that they -- the
7 investigation was triggered by the complaint, there
8 was no -- no discussion of him doing anything at
9 that point.
10 Q. Okay. Let's see. Did anyone tell you --
11 could have been then, could have been now. Did
12 anyone ever tell you who wrote the anonymous
13 complaint against John Giamatteo?
14 A. I am obviously aware now that there's people
15 who believe that Neelam was the one that put in the
16 complaint. I would not have come to that conclusion
17 on my own, but that's -- that's not an unknown
18 assumption by me or other people.
19 Q. And do you recall who said that -- who was
20 it that said that perhaps Ms. Sandhu had submitted
21 the complaint against John Giamatteo?
22 A. I believe that the suggestion was made well
23 into the investigation that it looked to Phil Kurtz
24 like Neelam may very well have been involved, but he
25 claimed no knowledge of it and he cautioned us that



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1 **it was still anonymous.**

2 Q. And do you remember with any more

3 specificity what is -- what is it that Mr. Kurtz

4 said about perhaps Neelam being the one who filed

5 the complaint?

6 A. That's about it. That it could very well

7 have been Neelam. But that -- that's it. Nothing

8 more.

9 Q. Other than Mr. Kurtz, do you recall anyone

10 else discussing who might it have been who filed the

11 complaint?

12 A. No.

13 Q. And do you recall about how far -- well,

14 this discussion with Mr. -- so let me put it this

15 way. Do you recall about how far along into the

16 investigation that Mr. Kurtz made these comments

17 that perhaps Neelam was the one who had filed the

18 complaint?

19 A. I recall it was well into the investigation

20 process.

21 Q. I'm still here by the way. Just thinking.

22 So do you know who Richard Curiale is?

23 A. That name came up to me for the first time

24 when I reviewed the investigation report. I had not

25 met him before. Still haven't, frankly.

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1 Q. I think I'm going to turn to the exhibits

2 now. So let me know if you still have those or if

3 you need me to send them.

4 A. No, they are here.

5 MR. TARTAGLIO: And we'll start with

6 Exhibit 1 for the record. This is marked with the

7 Bates Number BB13, a bunch of zeros, 456. So I'll

8 call this Bates Number 456.

9 (DEPOSITION EXHIBIT 1 WAS MARKED.)

10 BY MR. TARTAGLIO:

11 Q. Do you see the document I'm looking at here,

12 the BlackBerry Code of Business Standards and

13 Principles?

14 A. Yes.

15 Q. Okay. I'll ask you to turn to page 7. Let

16 me know when you're there.

17 A. I'm here.

18 Q. Yeah. And the Bates number is 462. And

19 I'll just read a little bit from here where they

20 say -- or this document -- well, I should start off

21 with what's your understanding of just at a high

22 level what this document is?

23 A. This is a document that is used to introduce

24 the employees to the expectations of the company

25 relative to -- to ethics and code of conduct.

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1 Q. I'll just -- I'll represent to you that he

2 did some investigation work for BlackBerry about

3 some of the complaints that Ms. Sandhu had made.

4 Did you -- have you ever seen any of those

5 reports?

6 A. No.

7 Q. Does Marjorie Dickman still work for the

8 company?

9 A. No, she does not.

10 Q. Do you know why she left?

11 A. I was not part of that process. That was

12 advised to me by John, but he -- his -- his

13 description was that the role no longer needed to

14 exist, particularly at a corporate level.

15 Q. Do you know if she ever made sort of -- any

16 sort of demand for severance from the company?

17 A. I don't know.

18 Q. Did anyone on the board of directors while

19 the investigation -- the MoFo investigation was

20 still pending indicate that they thought that the

21 anonymous complaint was unfounded?

22 A. No. No, quite the contrary. The board's

23 view was that the process had to work itself through

24 and that until that process was done, the board had

25 no opinion.

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1 Q. And so some things that this document says

2 are, "Speak up and act." And then a couple

3 sentences down, the heading, "Where appropriate,

4 speak up and act. Be bold. BlackBerry supports

5 you."

6 And then the next paragraph, it says, "You

7 must promptly report any knowledge of or concerns

8 regarding actual or potential violations of law or

9 policy whether they occur inside BlackBerry or

10 through external dealings."

11 So it seems as though this document from

12 BlackBerry is encouraging people -- employees to

13 speak up about potential violations of law or

14 policy. Is that fair to say?

15 A. Yes.

16 Q. And do you agree that that's an appropriate

17 message to be sending to BlackBerry's employees?

18 A. Absolutely.

19 Q. Do you think it's important for people

20 within the company to speak up and report potential

21 violations of law or policy?

22 A. I do.

23 Q. And why do you think that?

24 A. Because the company will be stronger for it

25 in the end. I've -- I've been around long enough to



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1 know that when it doesn't happen, companies lose
2 themselves, lose their business and can go out of
3 business. So I believe very strongly that we ought
4 to do exactly what this says.
5 Q. I'll ask you to turn to page 13 now. For
6 the record this is page 46 if we're going by Bates
7 number. Let me know when you're there.
8 A. Got it. Okay.
9 Q. I should have said this earlier, but if you
10 want to take some time to read the document, go
11 ahead and let me know if you want to do that.
12 A. Yeah. No, I don't believe at this point I
13 need to.
14 Q. And in the first column on the left-hand
15 side of the page about halfway down, the document
16 says, "Retaliation is not tolerated. Retaliating
17 against anyone who makes a good faith report of
18 suspected unethical or legal conduct is a violation
19 of the BS&P and will not be tolerated by
20 BlackBerry."
21 Do you see that sentence there?
22 A. Uh-huh. Yeah.
23 Q. Do you agree with that sentiment?
24 A. I do.
25 Q. Okay. And do you think it is important for

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1 or any other basis protected by law."
2 A. I don't see that. Where are you reading?
3 Q. Oh, let's see.
4 A. Okay. It goes to the next page. I'm sorry.
5 Q. Right. And so I'll focus here on gender
6 because the document mentions gender. Do you think
7 it's important for a company to not discriminate
8 against an employee based on his or her gender?
9 A. I agree.
10 Q. And why do you think that's important?
11 A. Because what I'm looking for as a manager
12 and a supervisor and oversight of the business is
13 the strongest people I can get, and I don't really
14 think that I care what sex they are or what country
15 they come from. I want the best I can get.
16 Q. And we see -- if you look at page 40. This
17 will be page 495 of the Bates numbers. If you look
18 on the left-hand side of the page there's a big
19 paragraph there that talks about sexual harassment.
20 Why don't you take a few moments to read that.
21 A. Okay.
22 Q. Do you think it's important for companies
23 like BlackBerry to prohibit sexual harassment?
24 A. Yes.
25 Q. And why do you think that's important?

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1 retaliation against good faith reports to be not
2 tolerated?
3 A. I agree. We should not tolerate
4 retaliation.
5 Q. And why do you agree with that?
6 A. Because again you're -- you're taking the --
7 I mean, it's almost like a whistleblower in the U.S.
8 government. You know, people are not going to be as
9 willing to call something when they see it if they
10 feel that they are going to be retaliated against,
11 and so I think this makes perfect sense.
12 Q. I'll ask you to turn now to page 39 in the
13 document. By Bates number this is page 494. Let me
14 know when you're there.
15 A. Got it. 39, okay.
16 Q. And on the right-hand side of the page about
17 halfway down, do you see where it says, "Do not
18 tolerate discrimination or harassment"?
19 A. Uh-huh.
20 Q. And for the record, I'll read out that it
21 says, "You may never make any employment-related
22 decisions based upon a person's race, color, gender,
23 national origin, age, religion, citizenship,
24 disability, medical condition, sexual orientation,
25 gender identity, gender expression, marital status

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1 A. Because, again, you want to have a workforce
2 that is smoothly operating at high efficiency, and
3 you don't want people to feel like they are a
4 second-class citizen. You want everybody to
5 contribute.
6 Q. Sometimes companies have a program or
7 programs in place to try to provide support to women
8 at the company, help them achieve their goals within
9 the company. Do you know whether BlackBerry had any
10 such groups in 2023?
11 A. I can't speak to the specificity of a
12 particular group, but I can give you back the
13 example I gave you before where we tried to entice a
14 good portion of the BlackBerry managers to go to the
15 awards dinner that was being held for one of our
16 women managers. So I think there's an example.
17 The other example is that the board looks at
18 these statistics on a quarterly basis. So we do a
19 lot of things like that, and I would -- I would
20 argue that BlackBerry is -- is doing well in many of
21 those areas. Can we do better? Probably could.
22 But statistically we're doing quite well, and I
23 don't know of any issues other than the ones at play
24 here where I think we would be challenged on that.
25 Q. And I'll go -- real quickly I'll go back to



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1 this website we were looking at earlier. It's
2 mainly just for your reference. We don't have to
3 make this an exhibit.
4 But how many women are currently in the
5 executive leadership at BlackBerry?
6 **A. Based upon this scroll you're giving me,**
7 **it's one.**
8 Q. And so let's see, I count 1, 2, 3, 4, 5, 6,
9 7 company-wide executive positions. Does that seem
10 fair to you?
11 **A. No. That doesn't seem fair but your premise**
12 **is that these people are all corporate as opposed to**
13 **being business unit people who also do corporate.**
14 **If you were to look at it that way, I think your**
15 **numbers would come out differently.**
16 Q. Well, would you agree that if we're looking
17 at the leadership website for BlackBerry, there are
18 seven people listed?
19 **A. Yes, that's true. There are seven people**
20 **listed, but -- but you continue to avoid my point.**
21 **That's people, while listed here because they have a**
22 **part-time role as the corporate end of the business,**
23 **they are also in the business units for the most**
24 **part and that those statistics would be very**
25 **different.**

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1 11449.
2 Let me know when you're ready to discuss
3 that.
4 **A. I'm at -- I'm at Exhibit 2, the divider page**
5 **now. What's the page I want?**
6 Q. Well, it's an email and then a chart.
7 **A. Okay.**
8 Q. Let me know you're ready to discuss the
9 exhibit.
10 **A. I have to make it bigger first somehow.**
11 **Okay. I have it.**
12 Q. And so the first page of this appears to be
13 an email from John Chen to
14 board.jschen@blackberry.com. Do you see that?
15 **A. Yes.**
16 Q. Does this appear to be an email from John
17 Chen to the board of directors for BlackBerry?
18 **A. It does.**
19 Q. And the subject line is "Officers'
20 succession planning"; correct?
21 **A. Uh-huh.**
22 Q. So would you agree that this document and
23 the attachment appears to be a succession plan if
24 for whatever reason some of these officers would no
25 longer be able to do the job?

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1 Q. And of the seven people listed here as
2 comprising the leadership of BlackBerry on
3 BlackBerry's website, only one of them is a woman;
4 right?
5 MS. FORSTER: Asked and answered.
6 Go ahead.
7 **THE WITNESS: Yes.**
8 BY MR. TARTAGLIO:
9 Q. And she's the chief people officer?
10 **A. Yes.**
11 Q. So she's essentially head of human resources
12 for the company?
13 **A. No. She is the head of human resources for**
14 **the cyber business unit and has oversight**
15 **responsibility for the QNX business or the IoT**
16 **business.**
17 Q. Let's turn to Exhibit 2.
18 (DEPOSITION EXHIBIT 2 WAS MARKED.)
19 BY MR. TARTAGLIO:
20 Q. Let me know when you're there. And this one
21 has an email as well as an attachment, so you'll
22 probably want to look at both. And while you're
23 looking at the exhibit, I'll note for the record
24 that this bears the Bates numbers -- it's BlackBerry
25 document, one -- 11448. So 11448 and it goes to

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1 **A. Yes. And John was asked to provide this.**
2 Q. And it's a little hard to see, but if we go
3 to the attachment and we look at the box for John
4 Chen. Do you see that?
5 **A. Yes.**
6 Q. And that's at the top of the page; right?
7 **A. Yep, uh-huh.**
8 Q. And so it looks like Number 1 would be John
9 Giamatteo?
10 **A. Yes.**
11 Q. And then Number 2 does -- well, I'll ask
12 you. What does Number 2 -- although it looks like
13 it's both Number 1, but I guess with the -- who the
14 second -- what does the second entry there say?
15 **A. The -- the distinction here is that a 1**
16 **would indicate ready now, and a 2 would indicate an**
17 **alternative solution. That's -- that's the way this**
18 **should be read.**
19 Q. And -- sorry. Go ahead.
20 **A. So, for example, on John Chen, his -- his**
21 **view of this is John Giamatteo is ready now, or we**
22 **can go to somebody outside if for some reason John**
23 **Giamatteo didn't work out.**
24 Q. So is it fair to say that as of -- let's
25 see. This email is dated June 2022. Is it fair to



<p style="text-align: right;">Page 126</p> <p>1 BY MR. TARTAGLIO:</p> <p>2 Q. Do you recall whether this appendix B was</p> <p>3 provided to the board of directors either in the</p> <p>4 original form or some sort of summary or paraphrase?</p> <p>5 A. It was not provided to the board of</p> <p>6 directors to my knowledge. I've never seen it. It</p> <p>7 would have been part of the investigation and would</p> <p>8 have been part of the readout of the investigation.</p> <p>9 MR. TARTAGLIO: Let's go to Exhibit 6.</p> <p>10 (DEPOSITION EXHIBIT 6 WAS MARKED.)</p> <p>11 THE WITNESS: Yep.</p> <p>12 BY MR. TARTAGLIO:</p> <p>13 Q. And do you see here -- and this was</p> <p>14 actually -- let's see, which one did I put in chat?</p> <p>15 Did you put the version with the black redaction</p> <p>16 bars or the one with the --</p> <p>17 MS. FORSTER: You did. I -- I thought you</p> <p>18 were going to use the one that didn't contain that</p> <p>19 piece and had the prior substantive communication,</p> <p>20 but this is what's here.</p> <p>21 MR. TARTAGLIO: Let me -- okay. Let me see</p> <p>22 if I can substitute that out.</p> <p>23 You know, this might be a good time for a</p> <p>24 lunch break anyway.</p> <p>25 MS. FORSTER: That's probably true.</p>	<p style="text-align: right;">Page 127</p> <p>1 MR. TARTAGLIO: This morning -- this morning</p> <p>2 I tried to swap that out but, I guess, that didn't</p> <p>3 happen, so maybe we -- maybe we go for lunch. Come</p> <p>4 back, like, 1:00 o'clock. Does that work for</p> <p>5 people?</p> <p>6 MS. FORSTER: Yep.</p> <p>7 MR. TARTAGLIO: Okay.</p> <p>8 THE WITNESS: So you're swapping something</p> <p>9 out. Do I need to delete something here or just let</p> <p>10 it go?</p> <p>11 MR. TARTAGLIO: I'll recirculate.</p> <p>12 MS. FORSTER: Yeah, he'll send a new one.</p> <p>13 THE WITNESS: Okay. So 40 minutes?</p> <p>14 MR. TARTAGLIO: Yes.</p> <p>15 THE WITNESS: Thank you.</p> <p>16 THE VIDEOGRAPHER: We are going off the</p> <p>17 record. The time is 12:21 p.m.</p> <p>18 (Lunch recess: 12:21 p.m. to 1:05 p.m.)</p> <p>19 -oOo-</p> <p>20 ::: AFTERNOON SESSION :::</p> <p>21 THE VIDEOGRAPHER: We are now back on the</p> <p>22 record. The time is 1:05 p.m.</p> <p>23 BY MR. TARTAGLIO:</p> <p>24 Q. Okay. I'm going to move on to Exhibit 6.</p> <p>25 Before I do, though, there was some discussion</p>
<p style="text-align: right;">Page 128</p> <p>1 earlier about the phone call you had with Phil Kurtz</p> <p>2 around the time you became interim CEO, and you may</p> <p>3 have discussed that with your attorney over the</p> <p>4 break. So don't tell me what she discussed with</p> <p>5 you. But I'm going to ask, was there any part of</p> <p>6 that discussion that is not covered by the</p> <p>7 attorney-client privilege?</p> <p>8 A. I'm sorry. But which phone call are we</p> <p>9 talking about?</p> <p>10 Q. So I think around the time you became</p> <p>11 interim CEO we had -- you had phone calls with all</p> <p>12 of the executive leadership; is that right?</p> <p>13 A. Oh, yes. Yeah.</p> <p>14 Q. And one of those was with Phil Kurtz?</p> <p>15 A. Correct.</p> <p>16 Q. And did you have a chance to talk -- and</p> <p>17 don't tell me what you talked about. But did you</p> <p>18 have a chance to talk with your attorney about that</p> <p>19 phone call?</p> <p>20 A. Yes. And that's the one that we're going to</p> <p>21 do a revision on.</p> <p>22 THE WITNESS: Right, Katherine?</p> <p>23 MS. FORSTER: Yes, yes. So, in other words,</p> <p>24 we talked about this before we went back on the</p> <p>25 record, but just for clarification on the record, we</p>	<p style="text-align: right;">Page 129</p> <p>1 will be producing a revised version of Mr. Lynch's</p> <p>2 notes from that meeting where the privileged portion</p> <p>3 of that discussion is still redacted. The</p> <p>4 unprivileged portion will be unredacted. So it was</p> <p>5 a mix. Is that -- I hope that clarifies things.</p> <p>6 MR. TARTAGLIO: Okay. Then I think instead</p> <p>7 of asking these abstract questions now, I'll just</p> <p>8 ask about the document when it comes in.</p> <p>9 MS. FORSTER: Okay.</p> <p>10 BY MR. TARTAGLIO:</p> <p>11 Q. And so in the meantime, could you please</p> <p>12 turn to Exhibit 6.</p> <p>13 A. Got it.</p> <p>14 Q. And for the record, this was produced at</p> <p>15 17504 to 17505. Let me know if you need any more</p> <p>16 time to read this document?</p> <p>17 A. Yep. I understand this one.</p> <p>18 Q. And by the way, you probably already know</p> <p>19 this, but they tend to print out reverse</p> <p>20 chronological so you have to go to the bottom and</p> <p>21 read your way up but --</p> <p>22 A. Yeah. I -- actually I'm familiar enough</p> <p>23 with it that I don't need to read my way up. I'm</p> <p>24 good with it.</p> <p>25 Q. Okay. And so some of this document has been</p>



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1 redacted on the grounds of attorney-client privilege
2 so you can consult with your attorney if you want
3 before you answer this question.
4 But my question is that -- is the fact that
5 this email was forwarded from you to Phil Kurtz,
6 does that have anything to do with the decision to
7 terminate Ms. Sandhu?
8 **A. No.**
9 MS. FORSTER: You've answered his question.
10 **THE WITNESS: All right.**
11 MR. TARTAGLIO: Okay.
12 MS. FORSTER: I'm stopping you because we
13 waived privilege over communications that related to
14 her termination. I believe that was the reason
15 counsel asked you the question in the form he did,
16 and you have answered that. So -- okay.
17 MR. TARTAGLIO: Yeah. Let's go to Exhibit 7
18 then.
19 (DEPOSITION EXHIBIT 7 WAS MARKED.)
20 BY MR. TARTAGLIO:
21 Q. Let me know when you've had a chance to go
22 through this.
23 And while you're doing that, for the record
24 this was produced at 17564 and there's also an
25 attachment. So that's the email. And then there

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1 there's just one that I wanted to ask about. And so
2 with that discussion in mind, are you able to
3 determine which file name corresponds to the
4 attachment that's included as part of the exhibit?
5 **A. I'm assuming you're referring to Exhibit 8?**
6 Q. So I'm referring to Exhibit 7, but
7 Exhibit 7 -- the first page is an email and then
8 there's some text.
9 **A. Yeah, but it's all one piece.**
10 Q. Right.
11 **A. Okay. It was not -- you're suggesting that**
12 **it was part of attachments. It is not. As I recall**
13 **it, this was -- I just sat and typed this.**
14 Q. Okay. And if you look on the first page,
15 one of the file names for the attachments is "ELT
16 intro discussion notes.docx." Do you see that?
17 **A. Yes.**
18 Q. Do you think that is the file that --
19 **A. Yes, I think that's -- that's what this**
20 **is -- this is, yes.**
21 Q. Okay. And that's what I was getting at. I
22 was perhaps a little clumsy.
23 **A. Okay.**
24 Q. And -- and this email was sent around
25 November 6, 2023. Do you see that?

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1 was also an attachment produced at 17578 that goes
2 to 17581.
3 **A. This -- this is familiar with -- to me. I**
4 **wrote it.**
5 Q. Okay. Great. And so Exhibit 7 appears to
6 be email to your -- to yourself essentially?
7 **A. Yes.**
8 Q. And it looks like there's several
9 attachments to this email; right?
10 **A. I don't believe there's any attachments to**
11 **this email.**
12 Q. Okay. If you -- if you look on the -- the
13 email itself, you'll see that, under subject line,
14 there's "attachments" and then there's several file
15 names that are listed.
16 **A. Okay. I believe that the reason these are**
17 **consolidated like this is I believe this was part of**
18 **the search that I was asked to do.**
19 Q. Okay. And so I'll show you. This might
20 help. So you see here attachments and there's
21 several file names?
22 **A. Yep.**
23 Q. So I'll just represent to you that when I
24 put together this exhibit, I took one of the
25 attachments. I didn't take all of them because

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1 **A. Yep.**
2 Q. Do you know if that's around -- well, strike
3 that.
4 Do you know if that's the same day as the
5 ELT intro discussion?
6 **A. This is the outline of the intro discussion.**
7 **It was all sent the same day.**
8 Q. And do you know -- it looks like you gave
9 some sort of a -- I don't know if speech is the
10 right word, but some sort of discussion. You led
11 some sort of discussion that you have notes here
12 for; right?
13 **A. Yep.**
14 Q. And are you able to say what day you gave
15 that discussion?
16 **A. I believe that was the Monday of the day**
17 **that -- of the week that I was first appointed.**
18 Q. And so if we go to a calendar for 2023, are
19 you able to give a date? I see Mondays in -- around
20 that time period. October 30 was a Monday.
21 November 6th was a Monday. November 13 was a
22 Monday. Does that help you date when you would have
23 given this talk?
24 **A. Not directly because the calendar that I was**
25 **using at that time was the BlackBerry Outlook**



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1 calendar. I'm now on my own calendar here, but let
2 me do my best to see if I can figure that out
3 quickly.

4 MS. FORSTER: Is there perhaps a 2023
5 calendar you have on your screen, Tony, that you
6 could share?

7 THE WITNESS: We're okay. I -- I have it
8 here.

9 MS. FORSTER: Okay.

10 THE WITNESS: This was given on -- this was
11 November 6.

12 BY MR. TARTAGLIO:

13 Q. I'm going to ask about the -- the notes
14 here. So is this -- are these notes that you
15 prepared in advance of giving the talk?

16 A. The notes being -- what? -- the questions
17 and discussion?

18 Q. Yes. Starting on page 17578.

19 A. Yep.

20 Q. And who was this -- who was this talk given
21 to?

22 A. This was the -- the talk that I have been
23 referring to as the executive team. This is all of
24 the people that were -- at that point in time had
25 become my direct reports. This was the day that

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1 actually one issue, and that was the -- the --
2 the -- the interim report, the -- first of all, the
3 challenge to -- for the filing of the complaint and
4 the fact that the board had not seen a resolution of
5 that yet, had not seen the outcome of the
6 investigation that had -- was still well underway.
7 And so couple of issues is just, you know,
8 rhetorical. It was a single issue and that was that
9 we didn't yet have an outcome, and we didn't know
10 who our new CEO was going to be. But I was not
11 going to tell the executive team all of that. That
12 was none of their business. So my way of answering
13 it was the board ran into a couple of issues.
14 That's kind of just alliteration, if you will, in a
15 sense.

16 Q. Let's go to the next page. So this will be
17 17579. You'll see that I have some highlighting --
18 or underlining here. Do you see where -- and just
19 for the record, it says, "We can't afford
20 big-company bureaucracy, and we've got some of it."
21 Do you see that?

22 A. Yep.

23 Q. What did you mean by that?

24 A. What I meant was to give them a very clear
25 indication that we were going to be cutting a lot of

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1 I -- I opened the kimono and said, "Here I am."
2 Prior to that it was -- I had not communicated with
3 everybody in a group session. This is the first
4 group session that I had.

5 Q. And so if you look at page 17578, you'll see
6 that I put some annotations there. That was not
7 original. The underlining and the arrow. Do you
8 see that?

9 A. Uh-huh.

10 Q. And I did that just because it often makes
11 things go fast. So the arrow says, "Well, this
12 wasn't the way it was supposed to be." Do you see
13 that?

14 A. Yep.

15 Q. Do you know what you were trying to convey
16 by that?

17 A. Yes. I was not intended to be the CEO, and
18 it was not expected that I would be. So this was my
19 introduction to why I was there.

20 Q. And then the next page -- or the next line
21 down says, "The board ran into a couple of issues in
22 the process of a new CEO -- or in the process to a
23 new CEO." What were the couple of issues that you
24 had in mind there?

25 A. Well, the -- the couple of issues is

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1 costs and that we would be cutting our organization
2 down to match the revenue stream that we had coming
3 in, and that's my introductory way of getting to
4 that point.

5 Q. Do you remember if there was any follow-up
6 discussion after you -- after you gave this -- this
7 little speech to the group?

8 A. Well, that's what the questions are at the
9 end, and there was a very small amount of discussion
10 if much at all. I didn't really give them an awful
11 lot of time to get into a lot of detail. I -- I
12 told them that, you know, either in questions, let's
13 have quick discussion, but let's wrap it up. And so
14 I believe there may have been a couple of comments
15 that were made, like, "Dick, glad to have you" or
16 things of that nature, but nothing substantive that
17 I can recall. And then I ended with my last points,
18 which was the wrap up, and I told them that I'd be
19 calling each one of them and that's what I started
20 doing on that day.

21 MR. TARTAGLIO: Let's go now to Exhibit 8.
22 (DEPOSITION EXHIBIT 8 WAS MARKED.)

23 BY MR. TARTAGLIO:

24 Q. And for the record, while you're looking at
25 this, this was produced at 19036 going down to



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1 19051.
2 Let me know when you're ready to discuss
3 this.
4 A. Oh, I have that. It's here.
5 Q. And do you feel ready to discuss it or would
6 you like a little more time?
7 A. No, no. I mean, I wrote it. So I'm -- I'm
8 comfortable. It's -- it's a little out of order,
9 but it's -- it's all here.
10 Q. Okay. And so -- so these handwritten notes
11 were written by yourself?
12 A. Yep.
13 Q. And so I'll start on the first page. This
14 is 19036. So at the top does that say, "Morale is
15 worst it's ever been"?
16 A. Yes. In quotes.
17 Q. Do you recall who told you that?
18 A. This -- maybe you should ask me first what
19 this was used for. This was an outline of items
20 which I used to read out to the board on my initial
21 perceptions based upon all the discussions that I
22 had had with people. So with -- with that in mind,
23 I didn't attribute any of these comments to a
24 particular individual in my notes necessarily. I'm
25 not a great notetaker frankly. Although this would

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1 A. No.
2 Q. And a couple lines down, the notes say,
3 "Bureaucracy structured and sized for much larger
4 company and protected by ELT." Is that a correct
5 reading of the handwriting?
6 A. Yeah, exactly.
7 Q. Okay. And "ELT," would that be executive
8 leadership team?
9 A. Yes.
10 Q. And then the next line refers to management
11 being hub-and-spoke. What did you mean by
12 hub-and-spoke-type management?
13 A. Management, top down is another way to say
14 the same thing. Where everything came down from one
15 individual or a couple of individuals and that
16 everybody else just does what they are told.
17 Q. Who was the hub -- or I guess what person or
18 people were the hub that you had in mind?
19 A. John Chen.
20 Q. And then the next couple lines down, it
21 says, "Cyber is top heavy with products and
22 territories. No apparent thought of pruning
23 either."
24 What led you to conclude that cyber was top
25 heavy with products?

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1 challenge that, but this is unusual for me. "Morale
2 is worst it's ever been" I heard from more than one
3 person. And --
4 Q. I'm sorry. Go ahead.
5 A. The quotes -- the quotes merely indicate for
6 my benefit when I talked to the board that I heard
7 this from people that I had interviewed.
8 Q. And then the next line down says "Quiet
9 quitting all over the company"; correct?
10 A. Same issue.
11 Q. And what is "quiet quitting"?
12 A. Quiet quitting is when you stay in your job
13 and you don't do anything. You just sit there. You
14 do the bare-bones minimum to stay employed.
15 Q. And in the next line down, there's three
16 dots in a triangle. Is there any significance to
17 that?
18 A. No. It's just that I indicate here that
19 there's a -- a lot of high energy achievers still
20 inside the business. So in spite of the first two
21 points, the bottom line is that there's still a lot
22 of people and we can make that work.
23 Q. And as for the core of high energy
24 achievers, did you have a specific group of people
25 in mind?

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1 A. That was a result of the feedback I had
2 received -- all of this is the result of the
3 feedback I had received from the people who I
4 interviewed and from other people who sent me
5 things. And, you know, indicated to me message-wise
6 that this is how they felt. And the feeling was
7 cyber was top heavy and that we needed to be pruned
8 out, so I reported that to the board.
9 Q. And so "top heavy," does that refer to too
10 many products when you say "top heavy with
11 products"?
12 A. Yes. There's too many products. There's
13 too much territory that we're trying to cover, and
14 we need to be more rational in how we do this.
15 That's the bottom line of that view.
16 Q. And a few lines down, it says, "Need
17 cultural shift." What -- what did you have in mind
18 there if you recall?
19 A. Yeah, that's easy. My belief and -- has
20 always been, and I wanted to put it into
21 BlackBerry -- is that the people that are in the
22 best position to make decisions are the people that
23 are affected by those decisions or see the results
24 of those decisions, and that we needed to get rid of
25 the hub and spoke, and we needed people in a



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1 position where they felt empowered to make a
2 decision and move forward. To me, that's a real
3 cultural shift.
4 Q. Let's go to page 19038. Let me know when
5 you're there.
6 A. I'm here.
7 Q. Okay. And the top says, "Individual
8 discussions with all direct reports. Some/most very
9 open. 2 couple not so." Do you see that?
10 A. "A couple not so."
11 Q. Oh, "a couple"?
12 A. Yeah.
13 Q. Who are the couple people who were not very
14 open?
15 A. I would tell you that my view was that I
16 didn't feel comfortable that -- well, I say "couple
17 not open," I'm not going to be able to give you a
18 lot of names associated with each of these. But
19 there were a couple people that were, as I recall it
20 now, telling me what I wanted to hear but somewhat
21 reluctant to really give me what I needed in terms
22 of feedback that I could use to improve the
23 business. I can't give you specific names this far
24 out since I wrote this.
25 Q. [REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 Q. And then a few lines down we get to
18 "Surprise: John G." Is that John Giamatteo?
19 A. Yes, yeah.
20 Q. And you -- you wrote "somewhat territorial."
21 Do you remember what you were thinking there?
22 A. Yeah. This is what I -- I had received from
23 a couple of folks of his peer group. That a lot of
24 people didn't really know him because he spent most
25 of his time out -- out in the marketplace. He

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 Q. And I should have asked this earlier, but
10 looking at this page here, are you able to estimate
11 about when this page would have been drafted? Let
12 me put it this way, was this after the interviews?
13 A. Oh, yes. Yeah, this was well after the
14 interviews.
15 Q. And next on the list is Neelam Sandhu. So
16 we already talked about why you ended up firing her.
17 But at this point was your thinking any different
18 than what we talked about earlier today?
19 A. It wasn't as resolved at this point. This
20 was still my thinking process at this point in time.
21 But the rationale behind it hasn't changed.
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 wasn't around headquarters a lot, so he wasn't
2 really all that well known to a lot of his peer
3 group. He -- "somewhat territorial" was essentially
4 that he was, you know, wedded to his -- his role and
5 that his -- his first loyalty was to achieving his
6 results and that there was a perception among a
7 couple of the corporate people that he should have
8 been a little more balanced in his view of how he
9 got things done.
10 Q. Can you provide an example to elaborate on
11 the response you just gave about --
12 A. Yeah. I mean -- and this one came from, you
13 know, the finance side of the business, is that John
14 was asked to produce a certain amount of savings,
15 and he kept dragging his feet on actually executing
16 the savings levels that he was being asked to
17 achieve because it was going to interfere with his
18 delivery of his results. And so he was perceived as
19 not fully responsive to the cuts that he was being
20 asked to make.
21 Q. And so when this -- so when we're talking
22 about John Giamatteo being somewhat territorial, is
23 that referring to geography or is that referring to
24 his particular business unit?
25 A. It's business unit.



<p style="text-align: right;">Page 146</p> <p>1 Q. So would you agree that he was being tear --</p> <p>2 by being territorial, is it fair to say that he was</p> <p>3 trying to protect the cyber business unit?</p> <p>4 A. I wouldn't say he was trying to protect it</p> <p>5 as much as he was trying to maximize the resources</p> <p>6 he could get for it so that he could deliver as much</p> <p>7 as possible. He -- for example, he didn't see -- at</p> <p>8 that point in time he didn't see QNX as being in</p> <p>9 need of a lot more resources. He saw his own group</p> <p>10 as being in need. Quite the contrary to where he is</p> <p>11 today, but that's -- that's what I meant by that.</p> <p>12 Q. And if we go to the next page. Let me know</p> <p>13 when you're there. So this would be 19039.</p> <p>14 A. Uh-huh.</p> <p>15 Q. And about two thirds down the page there's a</p> <p>16 sentence here that says, "I'm reviewing all PR and</p> <p>17 IR and social messaging until Tim and Neelam</p> <p>18 understand new strategy." So would "PR" be public</p> <p>19 relations?</p> <p>20 A. Yes.</p> <p>21 Q. And "IR," is that investor relations?</p> <p>22 A. Correct, yes.</p> <p>23 Q. And what's the new strategy being alluded to</p> <p>24 here?</p> <p>25 A. The old strategy was one of one big</p>	<p style="text-align: right;">Page 147</p> <p>1 corporation, everything was synergistic. We had no</p> <p>2 problems. Everyone needed to know we were the king</p> <p>3 of the hill. The new strategy is two small business</p> <p>4 units that are small and scrappy and are the best</p> <p>5 that there could possibly be and that each one would</p> <p>6 succeed on its own.</p> <p>7 Q. Let's turn to page 19043.</p> <p>8 A. Okay.</p> <p>9 Q. And these are notes -- well, I should ask</p> <p>10 you. What do these -- what does this page appear to</p> <p>11 be?</p> <p>12 A. This is my interview with Neelam. Most of</p> <p>13 this is what she told me.</p> <p>14 Q. And --</p> <p>15 A. If you recall, when I talked about these</p> <p>16 interviews earlier today, I said that my view was</p> <p>17 that they should do all the talking. I was doing</p> <p>18 the listening, and so I merely asked a couple of</p> <p>19 leading questions and let them go. And what I see</p> <p>20 here is what I got from her at the time that she and</p> <p>21 I had the discussion.</p> <p>22 Q. And if you look under her name, it looks</p> <p>23 like "UK arrow, NY arrow. John offered chief staff</p> <p>24 10 years ago." Are you able to explain the</p> <p>25 shorthand there?</p>
<p style="text-align: right;">Page 148</p> <p>1 A. Yeah. I mean, she told me she came -- she</p> <p>2 started with the business in the UK. She</p> <p>3 transferred to New York, and John offered her the</p> <p>4 chief of staff role back in 2013.</p> <p>5 Q. And then below here, "M-K-G" is that</p> <p>6 marketing?</p> <p>7 A. Yeah. Marketing, go to market, sales</p> <p>8 engineering, operations, and strategic. Right now I</p> <p>9 don't know what that meant, but it -- it all -- that</p> <p>10 was my shorthand for what she was saying at the</p> <p>11 time.</p> <p>12 Q. And if we go down a couple lines. So under</p> <p>13 sales arm, there's a line -- I'll just ask you to</p> <p>14 read it since I want to make sure we all understand</p> <p>15 what you're trying to write there. Do you see where</p> <p>16 it says, something "too much personal churn"?</p> <p>17 (Reporter clarification.)</p> <p>18 BY MR. TARTAGLIO:</p> <p>19 Q. "Personal churn."</p> <p>20 A. Churn. Oh, "Solve too much personal churn."</p> <p>21 I don't -- I don't recall at this point what that</p> <p>22 meant.</p> <p>23 Q. And a couple lines down, it says, "Grew</p> <p>24 billings above overall rate," and then maybe that's</p> <p>25 a minus sign. I'm not sure.</p>	<p style="text-align: right;">Page 149</p> <p>1 A. Now it's "approximately."</p> <p>2 Q. Oh, "approximately 33 percent."</p> <p>3 A. Yeah.</p> <p>4 Q. So you -- do you interpret that to mean that</p> <p>5 Ms. Sandhu was saying that the elite group had grew</p> <p>6 its billings about 33 percent?</p> <p>7 A. That's what she told me, yeah.</p> <p>8 Q. Do you know whether that was accurate or</p> <p>9 not?</p> <p>10 A. No, I don't. Based upon performance results</p> <p>11 I had seen at board meetings earlier, it would</p> <p>12 surprise me if it were that, but I don't recall. I</p> <p>13 didn't ever check the number. The numbers weren't</p> <p>14 meaningful to me that day. What was meaningful was</p> <p>15 what are the big items that I could get out of these</p> <p>16 discussions I was having and how could I consolidate</p> <p>17 them into some going-forward activity, so I didn't</p> <p>18 follow up on things like that.</p> <p>19 Q. And then the sentence below says, "This year</p> <p>20 15 C-U-S-T." Is that --</p> <p>21 A. Customer.</p> <p>22 Q. And then "CA is biggest." Do you know what</p> <p>23 the CA abbreviation is?</p> <p>24 A. Canadian government.</p> <p>25 Q. And then a little bit down the page, maybe</p>



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1 two-thirds of the way down, there's a bullet point
2 where it says, "Smart city, GEM." Do you know what
3 that's referring to?

4 A. I don't know specifically the context that
5 she relayed to me at that point in time. But smart
6 city is a name for a whole subset of opportunities
7 that the -- the device-centric electronic industry
8 has been going after for a number of years now. And
9 so I suspected it had something to do with a
10 recognition that that was something we needed to
11 talk about.

12 Q. And if you go to the next page, 19044. Let
13 me know when you're there.

14 A. Yep.

15 Q. And near the top it says, "Neelam paid on
16 VIP with 15 paid on VIP and SIP." Is that -- am I
17 reading that correctly?

18 A. Yes.

19 Q. And then it goes on to say, "Why not paid on
20 revenue?" Do you remember what that discussion
21 is -- was about?

22 A. Yeah. She was complaining about -- she
23 complained to me that she was being paid on the --
24 the VIP, which is the -- the corporate performance
25 criteria where other people inside the business,

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1 current financial sufferings. Speaking in the
2 terminology of that time.

3 Q. And so was this -- this document here, the
4 Neelam notes, were you writing these as you were
5 speaking with her or maybe shortly afterwards? Do
6 you remember?

7 A. It was while she was speaking I was -- I was
8 taking these down. This is -- this is what -- if
9 you want to call it, this is verbatims of things
10 that she said to me.

11 Q. And then at the very bottom of this page, it
12 says "Wants CEO role. Wants to apply," exclamation
13 point.

14 A. That was a surprise.

15 Q. And given that you were writing those notes
16 as Ms. Sandhu was talking to you, do you consider
17 this to be a reliable record of what Ms. Sandhu told
18 you?

19 A. Yeah, I do.

20 Q. And so you mentioned that you were surprised
21 by this last part; is that correct?

22 A. Yes.

23 Q. Why was that surprising?

24 A. In my mind a CEO needs a variety of
25 expertises before they can be in that kind of a

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1 namely John Giamatteo and Eriksson over at the QNX
2 business were being paid -- or their marketing or
3 their salespeople were being paid on the SIP, which
4 is sales incentive plan.

5 Q. Do you know what the "V" stands for in VIP?

6 A. I don't remember.

7 Q. At a high level --

8 A. I don't remember. All I always know is VIP
9 is the nonsales plan. SIP is the sales plan.
10 You're usually on one or the other. Some of --
11 there's a small number of people that are paid on
12 both, but they neither -- they don't get the full
13 amount of both. They get a percentage of each.

14 Q. And then we go down near the bottom, do you
15 see where it says, "Problem is internal" exclamation
16 point?

17 A. Uh-huh.

18 Q. Do you know what problem is being referred
19 to there?

20 A. I was taking down what she was telling me.
21 And I recall very little of the detail, but I will
22 tell you that "problem is internal" is essentially
23 saying that all the difficulties that BlackBerry is
24 having are generated inside the business, and that
25 it's not externalities that's causing BlackBerry's

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1 role. She, from what she had described herself in
2 terms of the things she had done in her career,
3 didn't fit that structure of what I think a CEO
4 needs to do, and so it kind of surprised me that she
5 would consider herself ready for something like
6 that.

7 Q. Did you think that it was -- it was bad that
8 apparently Ms. Sandhu wanted the CEO role and wanted
9 to apply for it?

10 A. I wouldn't say it was bad, no. I mean,
11 people can aspire and should aspire to a variety of
12 jobs. But she wasn't ready for that at that point.

13 Q. Do you think it would be wrong for her to
14 have an ambition to become CEO?

15 A. I thought I just said that anybody can
16 aspire to that. So, no, I don't think it was wrong
17 for her to have that.

18 Q. Let's go to the next page. This is 19045.
19 And so this appears to be notes for the call with
20 John Giamatteo. Does that seem right to you?

21 A. Yeah.

22 Q. And so would these, again, have been
23 contemporaneous -- in other words, the same time
24 that you were talking with him?

25 A. Yes.



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1 Q. So would you say that this is probably quite
2 a reliable record of the conversation you had with
3 Mr. Giamatteo?
4 A. Yeah, yep.
5 Q. So if we look at -- near the top it says,
6 "Employee malaise." Is that what it says?
7 A. Yes.
8 Q. And is that something that Mr. Giamatteo
9 conveyed to you?
10 A. Yes. All these notes except for a couple,
11 which I can point out as we go through them, they
12 are all things that I took down right from the
13 verbatims of what I heard from them.
14 Q. And the next line says, "No culture."
15 Do you remember what -- what that particular
16 discussion was about?
17 A. He told me he didn't believe there was a
18 consistent culture within the business.
19 Q. And then next sentence, "John had no
20 relationship to employees."
21 Do you remember any additional discussion
22 about that?
23 A. That's -- just to clarify, that's John Chen.
24 Q. Oh, okay.
25 A. It was John Giamatteo's view that John Chen

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1 BY MR. TARTAGLIO:
2 Q. And a couple lines down it says -- I think
3 it says, "Balanced reality comm." Do you know what
4 that's referring to?
5 A. I think that what he's saying there is he
6 was suggesting that we needed a balanced reality
7 communications plan. In other words, don't tell
8 everybody things are great. Don't tell everybody
9 things are bad. Tell them a little bit of both and
10 communicate with them regularly. That was, again,
11 one of the things he felt was necessary.
12 Q. And then below this we see, "Too much
13 overhead. G&A/HQ." Would "G&A" be general and
14 administrative?
15 A. Yes.
16 Q. And "HQ" be headquarters?
17 A. Yep, yeah.
18 Q. And then "even after cuts 10 percent" is
19 below that. Do you see that?
20 A. Yep.
21 Q. So was this John Giamatteo conveying to you
22 that there was too much overhead at the corporate
23 level?
24 A. Yep.
25 Q. And then it looks like there's some

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1 had no relationship with the employees.
2 Q. And then below that it says, "Change MAP
3 ASAP."
4 A. Uh-huh.
5 Q. Do you remember -- and you don't have to
6 remember the precise acronym. I know there's a lot
7 of acronyms, but do you remember what the MAP was?
8 A. The MAP by acronym, I don't remember. But
9 what it is, it is the book of, if you will, rules
10 and regulations. It is who can buy what and what
11 level of the business. Do you need authority to do
12 something? It's a variety of the administrative
13 procedures of the business. It wouldn't surprise me
14 if it means master administrative procedures, but I
15 don't know that. I never -- never did know, but I
16 know everybody refers to it as MAP.
17 Q. Do you remember what Mr. Giamatteo said as
18 to why the MAP should be changed ASAP?
19 A. Yes. Because it was pretty -- it was
20 actually restricting his people's ability to quickly
21 move on things because they needed to seek approvals
22 for things that could take a few days or longer and
23 often they needed to make decisions overnight.
24 (Videographer interruption.)
25 / / /

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1 discussion about potential cost savings; is that
2 correct?
3 A. This was his view of some of the ways that
4 you could save money.
5 Q. And there's four numbers here. "Charles
6 Egan org, corp. marketing."
7 Do you see what I am pointing to?
8 A. Yeah.
9 Q. And so these are -- these are four areas
10 where John Giamatteo suggested potential cost
11 savings; is that correct?
12 A. That's right.
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 Q. And the next one would be corporate
21 marketing. Is that what's being referred to there?
22 A. Yep.
23 Q. And Ms. Sandhu was the chief marketing
24 officer at the time; is that correct?
25 A. Yeah, that's correct.



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1 would that be Steve Rai?

2 **A. Yes, correct.**

3 Q. And if we look down about halfway down the

4 page, maybe 40 percent down, I suppose, it says,

5 "John G. has fought cost reduction job, refuse

6 product and region reductions."

7 So presumably that's something that Mr. Rai

8 told you?

9 **A. That's correct.**

10 Q. And did you -- other than being told this by

11 Mr. Rai, did you have any other evidence as to

12 whether this was actually the case or not?

13 **A. No, no. But it was obviously something to**

14 **follow up on. But as I told you before when we did**

15 **his page, it doesn't surprise me. An aggressive**

16 **sales guy is always going to try to maintain his**

17 **resources.**

18 MR. TARTAGLIO: Let's go to the next

19 exhibit. This will be Exhibit 9.

20 (DEPOSITION EXHIBIT 9 WAS MARKED.)

21 MS. FORSTER: Would it be helpful -- we have

22 a sort of temporary version of the reredacted

23 document with that one page, 19050, ready. Do you

24 want us to give you that now so that you can do all

25 of this together before we move on to a new exhibit?

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1 **a -- it's really the administrative board committee.**

2 Q. And one of the recipients of this is Lisa

3 Disbrow?

4 **A. Disbrow, yeah. She's the --**

5 (Simultaneous speakers. Reporter

6 clarification.)

7 BY MR. TARTAGLIO:

8 Q. You go ahead. Sorry.

9 MS. FORSTER: Go ahead and finish your

10 response.

11 **THE WITNESS: That was it. I said that Lisa**

12 **was the chair of the audit committee.**

13 BY MR. TARTAGLIO:

14 Q. And there's -- it looks like there's one

15 recipient, "Prem Watsa Private." Do you see that

16 email? Do you know what that is?

17 **A. Yes. Prem Watsa used to be a board member,**

18 **a major investor as well. He is no longer on the**

19 **board. But at this point in time, he had not yet**

20 **left the board.**

21 Q. And so this email from Mike Daniels starts,

22 "Just FYI. Got a call from John G. Checking on

23 status. Told him we would know more shortly re

24 legal process."

25 So looking at this email here, what's

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1 MR. TARTAGLIO: I'm fine with getting a

2 ready-for-showtime version that we can attach as a

3 new exhibit at the very end just so that we have the

4 exhibits more -- more formalized, I suppose. So

5 assuming we can get it back before we're done today,

6 I'm fine with doing it out of order at the very end.

7 MS. FORSTER: Okay. That's fine. Thanks.

8 BY MR. TARTAGLIO:

9 Q. All right. Let's turn to Exhibit 9. Let me

10 know when you're there.

11 **A. I'm there.**

12 Q. And so do you need some more time to read

13 this exhibit?

14 **A. If I could, please.**

15 Q. Sure. And while you're doing that, I'll

16 note for the record that this has a Bates

17 Number 18101.

18 **A. Okay. I've read it.**

19 Q. And so I'll start at the bottom half of this

20 email. So was that from Mike Daniels?

21 **A. Yes.**

22 Q. And who is Mike Daniels?

23 **A. Mike Daniels was the chair of the**

24 **comp/nom/gov committee. As I said earlier today,**

25 **that's compensation nominating and governance. It's**

Page 165

1 your -- how did you interpret this phrase, "Checking

2 on status" to -- what did you interpret that to

3 mean?

4 **A. Well, I assume that John was asking, you**

5 **know, if he was -- if he was ready to go, and that's**

6 **the essence of the "checking on status." I can't**

7 **imagine anything else would have been in his mind.**

8 Q. And for "ready to go," do you mean to become

9 CEO?

10 **A. Yes.**

11 Q. And then it goes down to say, "Asked about

12 status of comp package." Is that compensation?

13 **A. Yes.**

14 Q. And do you recall whether -- well, actually

15 so this email was sent November 13; correct?

16 **A. What it says.**

17 Q. And would that have been before the decision

18 was made that John Giamatteo would be the next CEO?

19 **A. Yes. Because there was going to be no**

20 **decision made until and unless the investigation**

21 **came back and cleared him.**

22 Q. And so would you agree that it looks like

23 there was some discussions on November 13, 2023,

24 between John Giamatteo and Mike Daniels about his

25 compensation package if you were CEO?



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1 **A. I would assume from that that's the case,**
2 **yeah.**
3 Q. All right. And then below that there's some
4 discussion about Malaysian deal. Do you see that?
5 **A. Yes.**
6 Q. And then it says, "Said it would be great to
7 announce at that meeting his appointment as CEO if
8 at all possible."
9 Do you interpret that to be John Giamatteo
10 saying that it would be great to announce his
11 appointment as CEO if possible?
12 MS. FORSTER: Calls for speculation.
13 Go ahead.
14 **THE WITNESS: I can't say.**
15 BY MR. TARTAGLIO:
16 Q. Okay. And if we go up. It looks like
17 there's an email from you to the same group of
18 people. You see that?
19 **A. Yes.**
20 Q. And you mention here, "If we are going to do
21 the survey Lisa suggested last Friday, don't see how
22 it can be done this week."
23 Do you know what survey was being referred
24 to here?
25 **A. You'd have to ask Lisa the details, but she**

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1 Q. Okay. So this appears to be a text message
2 chain. Does that sound right?
3 **A. It appears to be.**
4 Q. And one person on this text message chain
5 appears to be yourself, Dick Lynch; correct?
6 **A. Yeah.**
7 Q. Do you know who the other person was on this
8 text chain?
9 **A. I believe it was Phil Kurtz.**
10 Q. And some of these chat bubbles there over on
11 the right-hand side and, I guess, we don't really
12 have a color, but it's a darker color. And some of
13 the chat bubbles on the left-hand side, they are a
14 lighter color.
15 Do you know which side of this screen your
16 text messages are on?
17 **A. The side that's clearer. It's the left**
18 **side.**
19 Q. Okay. And so -- and so the right side you
20 believe was Phil Kurtz?
21 **A. Yes.**
22 Q. Okay. And so Phil Kurtz -- when he says,
23 "JJG could use some hand holding," is that John
24 Giamatteo?
25 **A. Yes.**

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1 **was looking at the potential for doing an employee**
2 **survey, focused on a couple of different areas that,**
3 **again, I don't recall exactly. But that was the**
4 **essence of that -- that line.**
5 Q. And the email goes on to say, "He's a great
6 salesman. Wants to use signing between PMs to close
7 his deal too."
8 So the PM --
9 **A. Correct.**
10 Q. Sorry. What was that?
11 **A. To prime ministers.**
12 Q. That was my next question. And when you
13 say, "He's a great salesman," are you referring to
14 John Giamatteo?
15 **A. Yes.**
16 Q. And when you say "close his deal too," what
17 were you referring to there?
18 **A. His -- his CEO role.**
19 MR. TARTAGLIO: Let's go to Exhibit 10.
20 This is a two-page document. It was produced at
21 19788 and 19789.
22 (DEPOSITION EXHIBIT 10 WAS MARKED.)
23 BY MR. TARTAGLIO:
24 Q. Let me know when you're ready to --
25 **A. I'm ready.**

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1 Q. And then it goes on to say, "He seems to
2 believe the process is taking time because there's
3 been a change of heart. He fears he's going to be
4 told right after Malaysia has been secured."
5 So this reference to change of heart, what
6 was your interpretation of what -- what Phil Kurtz
7 was saying there?
8 **A. I think what Phil was saying -- and this is**
9 **how I read it -- is that John Giamatteo was feeling**
10 **that we were going to use him to secure the Malaysia**
11 **deal and then terminate him. He didn't feel that**
12 **things were moving along quickly. He's aggressive,**
13 **and he didn't feel things were moving along quickly.**
14 **And the concern that I had was I had not talked to**
15 **him, wouldn't talk to him during the course of the**
16 **investigation, because I wanted to be very clear**
17 **that I was neutral on this and I had to hear the**
18 **results, and frankly, if the results had been**
19 **negative, I was firing him. So I had been**
20 **deliberately avoiding him for the reasons that I**
21 **just told you about. But I -- at that point I said**
22 **we can't lose him until we know with certainty, so I**
23 **agreed to call him to tell him he needed to be more**
24 **patient and that there was no change of heart but**
25 **that the outcome of the results of the investigation**



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1 needed to be clear and in his favor or things would
2 be different. But that if they were as he expected
3 them to be, then we would end up moving forward.
4 Q. And did you explicitly convey to
5 Mr. Giamatteo that if the investigation found that
6 essentially he had violated company policy, that his
7 termination was a possibility?
8 A. I don't recall exactly the words I used with
9 him, but I think I made it pretty clear, yes.
10 Q. Okay. And then there's a -- the next text
11 bubble says, "I've been deliberating avoiding him,"
12 and it goes on for a little bit. And then it says,
13 "I will call him." So that message was from you;
14 correct?
15 A. Yes. That's from me, yes.
16 Q. And do you remember what was said during --
17 well, I guess, did you call him?
18 A. I did, and that's what I just described to
19 you. I called him and I said he had to be patient
20 and that until the outcome of the investigation
21 cleared him, there would be no discussion of him
22 moving on to the CEO role, but that he should be
23 patient. I didn't want him jumping ship to some
24 other company until we knew with certainty whether
25 he was going to be in a position to take the job or

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1 the reason we discussed."
2 Were you saying you were deliberately
3 avoiding John Giamatteo?
4 A. Yes.
5 Q. And why was it that you were deliberately
6 avoiding him?
7 A. Because I didn't think it would be
8 appropriate for me to be talking to someone who
9 could very well be terminated from the company in
10 two weeks for negative findings to the
11 investigation, and I didn't want to leave him with
12 any impression that he was safe and free. That he
13 had to allow this whole process to proceed and that
14 it was going to be done objectively. And it seemed
15 to me that if I was speaking with him regularly,
16 that that perception in reality couldn't happen, and
17 so I tried to avoid talking with him.
18 MR. TARTAGLIO: Let's go to the next
19 exhibit, Exhibit 11. For the record, this begins at
20 18320 and goes to 18321.
21 (DEPOSITION EXHIBIT 11 WAS MARKED.)
22 BY MR. TARTAGLIO:
23 Q. Let me know when you're ready to discuss
24 this one.
25 A. Okay.

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1 we would be dismissing him.
2 Q. Did you -- strike that.
3 Do you remember what Mr. Giamatteo told --
4 told you during this phone call?
5 A. I think he just expressed frustration and
6 that was the end of the call.
7 Q. Other than what we've just been discussing
8 the past few minutes, can you remember anything else
9 that was discussed during this phone call with
10 Mr. Giamatteo?
11 A. No. It was a very quick phone call. That
12 was it.
13 Q. And if we go to page 2 of this text message
14 chain, the first sentence says, "He's well over the
15 edge."
16 Do you recall what you meant by that?
17 A. Yeah. He was -- he was very agitated about
18 the whole thing, and that I think I calmed him down.
19 And I told him it would be at least a couple more
20 weeks. That's what I say in the text. But, yeah,
21 he was -- he was quite exercised over the whole
22 thing.
23 Q. And if you go back to the first page, going
24 a little bit out of order here. It looks like you
25 wrote, "I have been deliberately avoiding him for

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1 Q. And so would you agree that -- at least
2 towards the bottom of the chain this appears to
3 be -- well, let me ask you this way. So if we look
4 at this first page halfway down, there's an email
5 from Neelam Sandhu to yourself; right?
6 A. Yep.
7 Q. And so this is an email in which Ms. Sandhu
8 is making you aware of what she is contending is
9 some sort of problem with company culture. Is that
10 fair to say?
11 A. I don't know about that. I'd say it's a
12 complaint about John Giamatteo.
13 Q. And we don't have to read all this, but it
14 appears that she's accusing John Giamatteo of
15 retaliating against her; is that right?
16 A. That's the term I see here, yes.
17 Q. And it appears that you forwarded her email
18 to Mr. Kurtz; correct?
19 A. Yes.
20 Q. And so you can take a break to discuss it
21 with your lawyer if you want but -- for this next
22 question. Did you end up discussing this email with
23 Mr. Kurtz?
24 A. I don't honestly remember having follow-up
25 discussions. We may have, but I don't remember



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1 them.

2 Q. Other than forwarding this email to

3 Mr. Kurtz and potentially speaking with him about

4 it, do you recall doing anything else in response to

5 receiving this email from Ms. Sandhu?

6 A. No, I do not. I would be making an

7 assumption, but I believe that Phil's -- Phil may

8 have provided me advice that this was part of the

9 investigation, that it would be covered by that, but

10 I don't recall anything further than that.

11 Q. Did you ask someone to investigate

12 Ms. Sandhu's allegations to see if there was any

13 merit to them?

14 A. No. Because it was -- it looked to me like

15 it's already under -- it's already underway. It's

16 in the EthicsLink already. And if EthicsLink is as

17 it's supposed to be somewhat blind to names, that

18 would not make sense for me to do a lot with it. So

19 I believe the answer is that I sent it off to Phil,

20 and Phil told me they were being covered and that

21 was the extent of what I did.

22 Q. Do you know whether you sent this complaint

23 to HR person -- to Ms. Nita White-Ivy?

24 A. That's already to her.

25 Q. Oh, I see.

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1 needed within the business would have put the -- all

2 of this into a single HR organization that would

3 have been close to the problem and that the -- it

4 would have been -- become very quickly solved

5 because the people that were being accused and the

6 accuser and the accuser, I guess, would be all

7 working in the same organization, and there would

8 not be this large bureaucracy that would be out

9 there and that there would be a lot more sensitivity

10 to the issues that are alleged here if, in fact,

11 they were real.

12 Q. And you wrote that "change is coming" at the

13 very end. What did you mean by that?

14 A. The business was dramatically changing.

15 That we were going to be seeing smaller businesses

16 that were a lot more nimble and a lot closer to the

17 activities like this, that are alleged here, than we

18 have in this big bureaucracy that was at the time

19 the BlackBerry of that day.

20 Q. When you wrote "change is coming," were you

21 alluding to the fact that you were planning to

22 terminate Ms. Sandhu's employment?

23 A. No.

24 MR. TARTAGLIO: Let's take a break. We've

25 been going for a while.

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1 MR. TARTAGLIO: Let's go to Number 12 --

2 Exhibit 12. So this will be 18460 to 18461.

3 (DEPOSITION EXHIBIT 12 WAS MARKED.)

4 BY MR. TARTAGLIO:

5 Q. Let me know when you've had a chance to

6 review this and you're ready to discuss it.

7 A. It's the same -- basically the same thing as

8 the last one except that it's back to Neelam.

9 Q. Right. And I'm going to ask about your

10 response to Ms. Sandhu. So if we look at the top of

11 page 1, looks like there's an email from you to

12 Ms. Sandhu; is that correct?

13 A. Yes.

14 Q. And you have a first paragraph there, which

15 we can -- I'll read. I'm not going to read that

16 into the record. But then you go on to write, "On

17 this particular issue, I obviously don't know the

18 history but I believe that this will get solved

19 based on the processes for change that we have

20 undertaken. Obviously, we need a little time, but

21 change is coming."

22 So what did you mean when you wrote that

23 this will get solved based on the process used for

24 change that we have undertaken?

25 A. In my view, the process changes that we

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1 THE VIDEOGRAPHER: This marks the end of --

2 go ahead.

3 I'll take us off. This marks the end of

4 Media Number 2. We are now going off the record.

5 The time is 2:14 p.m.

6 (Off the record: 2:14 p.m. to 2:29 p.m.)

7 THE VIDEOGRAPHER: We are now on the record.

8 The time is 2:29 p.m. This marks the beginning of

9 Media Number 3 in the deposition of Dick Lynch on

10 June 5, 2025. Please continue.

11 BY MR. TARTAGLIO:

12 Q. Please turn to Exhibit 13 if you're not

13 already there.

14 (DEPOSITION EXHIBIT 13 WAS MARKED.)

15 THE WITNESS: I am.

16 MR. TARTAGLIO: And for the record, this is

17 Bates Number 19790.

18 BY MR. TARTAGLIO:

19 Q. Are you ready to discuss this exhibit, sir?

20 A. Yes.

21 Q. This appears to be a text email chain;

22 correct?

23 A. Yes, it is.

24 Q. Or I guess, text message chain, I should

25 say. And the "LD" in the bubble at the top, do you



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1 know who that's referring to?

2 A. LD? To be honest, no.

3 Q. Could that --

4 A. It's Phil, so I don't know who "LD" is. Oh,

5 Lisa. Yeah, okay. I do. Lisa Disbrow.

6 Q. Okay. So does this appear to be -- well,

7 would you say you're the "DL" at the very top?

8 A. I'm sure I am, yes.

9 Q. And do you know -- are you able to tell from

10 reading these messages if there was a third

11 participant in this message chain?

12 A. I can see that the top message was signed

13 "Phil."

14 (Reporter clarification.)

15 THE WITNESS: I see from the messages that

16 the signator on the top message is Phil.

17 BY MR. TARTAGLIO:

18 Q. So is your inference --

19 A. What I -- what I don't -- what I don't know

20 is whether Phil was communicating with Lisa and then

21 Lisa forwarded this on to me or if it was directly

22 from Phil to Lisa and myself. But I have to

23 conclude based upon the bubbles at the top that Phil

24 sent this to Lisa and Lisa forwarded it on to me.

25 Q. So at the top of this page, we see a message

Page 180

1 me not to see any names whatsoever on any side of

2 these arguments.

3 Q. Why would it not be better for you to see

4 those names?

5 A. Because I didn't want to color my decision

6 in any way based upon the outcome of the report.

7 The report to me had nothing to do with the actions

8 I was going to take. The additional action that

9 would have been possible based upon the outcome of

10 the report is I may have terminated John Giamatteo

11 in addition to the others. But at this point I felt

12 that regardless of the names and the dates and the

13 whatevers, that I would be better off not seeing

14 anything additional.

15 Q. Would one of the personnel actions being

16 referred to here be the termination of Neelam

17 Sandhu?

18 A. Among the others, yes.

19 Q. What -- what might -- what bad consequences

20 might happen had you seen the report with the names

21 in it?

22 A. In my view that the -- seeing the names in

23 the report would have provided me with no added

24 value and potential for being accused of retaliating

25 or something, and I wasn't in the mood of being --

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1 that is signed at the end "Phil"; correct?

2 A. Yes.

3 Q. And there's some discussion about two

4 versions, one with witnesses named and one

5 anonymized. Do you know what document they are

6 talking about here?

7 A. They're talking about the report of the

8 investigation.

9 Q. And Mr. Kurtz says, "I struggle to see the

10 harm in sharing the version with the names," and

11 then he provides an explanation; correct?

12 A. Yes.

13 Q. And then there's a message that appears to

14 be from you. Do you see that?

15 A. Yes.

16 Q. And you wrote, "Given what personnel actions

17 are planned, might there be protective value in me

18 not seeing the version with names?"

19 What -- what are the personnel actions that

20 you're alluding to there?

21 A. By this point in time I have clearly in my

22 mind decided that we need to reduce the people at

23 the top level of the business, and that based on

24 that and not knowing what was going to be coming out

25 in the report, I decided that it would be better for

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1 for retaliating because my decision process was

2 pretty clear by that point. So I thought it better

3 not to be able to be accused of retaliating for

4 something.

5 Q. As the interim CEO did you think it was

6 important to be apprised and aware of the complaint

7 that had been made against John Giamatteo?

8 A. Yes. But that has nothing to do with the

9 names that were at that point supposed to be

10 completely foreign to me. I was supposed to see

11 this as anonymous, and I wanted to continue to see

12 it as anonymous.

13 Q. And when you referred to "protective value"

14 were -- what were you referring to?

15 A. I was referring to what I just described. I

16 didn't want to be able to be accused later of having

17 taken any names out of a report and taken any

18 actions against anyone as a result of the decisions

19 that I needed to make as the CEO.

20 Q. So at this point how many people had you

21 decided to terminate?

22 A. At the top level of the business or

23 throughout the whole business --

24 Q. Let's say --

25 A. -- total.



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1 Q. I didn't get that last sentence. Sorry?

2 A. Over a thousand total.

3 Q. And among the executive leadership team, at

4 this point, November 23, 2023, how many people had

5 you decided to terminate?

6 A. Four.

7 Q. And I think you mentioned a larger wave of

8 layoffs; is that correct?

9 A. Yes.

10 Q. And is that something that you implemented

11 as interim CEO?

12 A. I didn't implement it in the logistical

13 sense. I set the stage for that to happen by virtue

14 of budget changes and by virtue of reducing the

15 executive count.

16 Q. And -- but as for the number of people that

17 you actually terminated, I think you said it was

18 four; correct?

19 A. Well, you asked about the executive level.

20 There's four at the executive level, yes.

21 Q. Oh. And as CEO, did you fire anyone who was

22 not at the executive level?

23 A. I did not. That would be done by the people

24 below in the executive branch -- executive layer or

25 below that.

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1 [REDACTED]

2 [REDACTED]

3 Q. So when you said "might there be protective

4 value in me not seeing the version with names" were

5 you referring to Ms. Sandhu?

6 A. And anyone else who would come up.

7 MR. TARTAGLIO: Let's turn to Exhibit 14.

8 (DEPOSITION EXHIBIT 14 WAS MARKED.)

9 BY MR. TARTAGLIO:

10 Q. And while you're reviewing this, I'm not

11 going to ask about all the details, but, again,

12 you're welcome to read the whole thing if you'd

13 like. And while you're looking this over, I'll note

14 for the record that this is an email that was

15 produced at 18650, and additionally, there's a

16 document that begins at 18651 and then goes all the

17 way to 18673.

18 MS. FORSTER: Counsel, given the length of

19 the exhibit, I think it may be helpful if you -- if

20 you're willing, if you could let the witness know

21 what your question is going to be so that he knows

22 the level of sort of detail with which he needs to

23 read this.

24 MR. TARTAGLIO: Yeah. Basically I'm going

25 to ask, what, if anything, he did to address some of

Page 183

1 Q. And so the four people that you did fire

2 would be -- well, who would those be?

3 A. First of all, I don't think the term "fire"

4 is appropriate. We've separated people. And all

5 four of those -- your first question was had I

6 decided. Not taken action, so I decided on four.

7 And the actions speak for themselves as we've

8 discussed before. But there are four. They were

9 all done in different ways, and they were all done

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 the concerns that were raised and some of the

2 recommendations that were made by MoFo law firm.

3 MS. FORSTER: Thank you.

4 THE WITNESS: Okay. Okay.

5 BY MR. TARTAGLIO:

6 Q. So I'm -- if you turn to page 18652, you'll

7 see that there's a red box that I added, that was my

8 handiwork there. Let me know when you see that.

9 A. Uh-huh.

10 MS. FORSTER: Was that a "yes"?

11 THE WITNESS: Yes. I'm just -- actually I

12 haven't responded in any way yet. Okay. I see it

13 now.

14 BY MR. TARTAGLIO:

15 Q. I'm not going to read the whole thing in the

16 record, but I encourage you to read that paragraph

17 right now and let me know when you're done.

18 A. Yes, okay.

19 Q. And so I'm not going to read the whole thing

20 but there's a summary here of some allegations about

21 lack of women in leadership roles, some challenges

22 that women experienced at the company, or so they

23 claimed.

24 Do you recall reviewing this document before

25 today?



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1 **A. Yes.**

2 Q. And did you review this document while you

3 were still interim CEO?

4 **A. I did not review the entirety of the**

5 **document in the detail that I've had an opportunity**

6 **to do since then. So when I was CEO, no, I did not**

7 **review the accusations, the investigation. I merely**

8 **focused on the executive summary and the -- and, if**

9 **you will, the end. The analysis of what could be**

10 **done differently.**

11 Q. And you may have already answered this, but

12 do you think when you were interim CEO that you did

13 review this executive summary at the beginning of

14 the report?

15 **A. Yes.**

16 Q. In response to receiving this report, did

17 you do anything -- well, let me ask this: What, if

18 anything, did you do to respond to the allegations

19 about lack of women in leadership roles, culture --

20 about so-called boy's club culture, et cetera,

21 et cetera?

22 Did you do anything in response to seeing

23 these allegations here?

24 **A. No. And the reason is that I was in the**

25 **role for three weeks. And during that time, focused**

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1 Q. And the first recommendation is "Workplace

2 culture survey."

3 Do you know if BlackBerry conducted such a

4 survey in response to this recommendation?

5 **A. I believe this morning you asked me about a**

6 **survey that Lisa referred to in an email and that's**

7 **the survey that she was talking about. And to my**

8 **knowledge that has been completed and a follow-up**

9 **has been scheduled.**

10 Q. And the second recommendation is "exit

11 interviews," and more specifically the

12 recommendation is to leverage the information

13 BlackBerry learned during the interviews to improve

14 the workplace culture.

15 Do you know if there were any efforts made

16 in response to this recommendation?

17 **A. My understanding is there are exit**

18 **interviews done regularly and have been. What is**

19 **done with them, I am not able to testify to you**

20 **today that exactly A, B, and C have happened. But I**

21 **know those exit interviews take place.**

22 Q. And the third recommendation is a "pay

23 equity audit." Do you know if BlackBerry conducted

24 such a pay equity audit in response to this

25 recommendation?

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1 on getting project mustard off the ground, focused

2 on reducing the executive cadre. The thing I did

3 know is that the board has been reviewing the

4 analysis of women in the business and taken actions

5 on that over time. So it was not a new finding, but

6 it was one that I knew was already something that

7 was sensitive to the board and sensitive to the top

8 management. So I didn't feel that in the two -- in

9 the less than two weeks that I was in place after

10 this, that I could create any momentum in these

11 areas. So I did not attempt to even begin to.

12 Q. Did you ask Giamatteo to take a look at

13 these allegations and try to do something within the

14 company to address them?

15 **A. I have not talked to John about the**

16 **investigation or the follow-ups to that. This would**

17 **be something that would have come out of Lisa's**

18 **group within the audit team. It would have come out**

19 **of the HR organization within the business.**

20 Q. Let's turn -- it's near the end. Let's go

21 to page 18667, please.

22 **A. Okay.**

23 Q. And there's a list of recommendations here.

24 Do you see that?

25 **A. Yes.**

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1 **A. In response to this, no, I don't believe so**

2 **because it's been done as a routine item.**

3 Q. And is -- is a pay equity audit completed

4 regularly, like once a year, once every two years?

5 Do you know if there's a regular schedule for that?

6 **A. I can't -- I can't give you the answer to**

7 **that. I'd have to look.**

8 Q. Do you know whether a pay equity audit has

9 been conducted since this report was provided to

10 BlackBerry?

11 **A. No.**

12 Q. Number 4 says, "Review statistical analysis

13 of impact of reductions in force on certain

14 demographics." Do you know if --

15 **A. No.**

16 Q. Okay. And you're going to -- you're going

17 to have to let me finish my question.

18 Do you know if any statistical analysis was

19 performed in response to this recommendation?

20 **A. No.**

21 Q. And does that response mean you don't know

22 or you feel confident that no response -- or that no

23 analysis has been performed?

24 **A. I'm saying exactly the answer to your**

25 **question. I don't know whether it has or has not.**



<p style="text-align: right;">Page 190</p> <p>1 Q. Recommendation 5 is "mentoring and</p> <p>2 professional development program." Did BlackBerry</p> <p>3 do anything to implement the recommendation here in</p> <p>4 Number 5?</p> <p>5 A. I do not know.</p> <p>6 Q. And Number 6 is "create a role focus on</p> <p>7 DEI." Has BlackBerry created a role focused on DEI</p> <p>8 within the company?</p> <p>9 A. I do not know.</p> <p>10 Q. And does BlackBerry currently have an</p> <p>11 executive-level position on DEI or ESG?</p> <p>12 A. Executive level position, no. Only the</p> <p>13 chief people officer.</p> <p>14 Q. Number 7 says, "Employee resource groups."</p> <p>15 Has BlackBerry done anything to implement</p> <p>16 recommendation number 7?</p> <p>17 A. No, not to my knowledge.</p> <p>18 Q. Number 8 is "training," implicit bias</p> <p>19 training. Do you know whether BlackBerry conducted</p> <p>20 implicit bias training?</p> <p>21 A. No.</p> <p>22 Q. And I should -- I should rephrase that.</p> <p>23 Does BlackBerry implement implicit bias training?</p> <p>24 A. I don't know.</p> <p>25 Q. Number 9 says, "Accessibility of C-Suite and</p>	<p style="text-align: right;">Page 191</p> <p>1 senior leaders." Has BlackBerry done anything to</p> <p>2 implement the recommendations at Number 9?</p> <p>3 A. I can't answer that question. I don't know.</p> <p>4 Q. Let's go to Number 15. This was produced at</p> <p>5 18714 and it goes to 18715.</p> <p>6 (DEPOSITION EXHIBIT 15 WAS MARKED.)</p> <p>7 BY MR. TARTAGLIO:</p> <p>8 Q. Let me know when you're ready to discuss</p> <p>9 this one.</p> <p>10 A. Okay. Ready.</p> <p>11 Q. So if we go near the bottom, there</p> <p>12 is -- well, strike that.</p> <p>13 So this appears to be an email chain upon --</p> <p>14 or which you were included on; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. And it appears that this email chain, near</p> <p>17 the bottom anyways, concerns potential severance</p> <p>18 calculations for several employees?</p> <p>19 A. Correct.</p> <p>20 Q. And one of those is Ms. Sandhu; correct?</p> <p>21 A. Yes.</p> <p>22 Q. So would you agree that by this point in</p> <p>23 November 29, 2023, it appears that progress was</p> <p>24 underway for terminating Ms. Sandhu?</p> <p>25 A. That is correct.</p>
<p style="text-align: right;">Page 192</p> <p>1 Q. And it appears that Ms. Sandhu's</p> <p>2 severance -- it's a little hard to see. But it</p> <p>3 looks like it was about 50 weeks. Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. And is that consistent with the discussions</p> <p>6 you had around this time about her severance pay?</p> <p>7 A. Uh-huh, yes.</p> <p>8 Q. And if we look at the -- around the middle</p> <p>9 of the first page, there's an email from you to Phil</p> <p>10 Kurtz that says, "Phil, you and I need to play out</p> <p>11 some scenarios on Neelam as I need/want some</p> <p>12 flexibility that this doesn't give me."</p> <p>13 Do you see that?</p> <p>14 A. Yes, I do.</p> <p>15 Q. What did you mean when you wrote "play out</p> <p>16 some scenarios on Neelam"?</p> <p>17 A. I wanted the opportunity to offer Neelam</p> <p>18 something greater than the amount that she was</p> <p>19 allocated by the plan and by her contract, and I</p> <p>20 didn't want to violate any of the scenarios of</p> <p>21 process or the legal contracts that might be at</p> <p>22 play. I'm no legal expert, and so I wanted to</p> <p>23 figure out how I could position things so that I</p> <p>24 could offer a different outcome for her than the one</p> <p>25 that was preordained.</p>	<p style="text-align: right;">Page 193</p> <p>1 Q. And do you know what the offer of severance</p> <p>2 to Ms. Sandhu ended up being?</p> <p>3 A. I don't know exactly. I assume it's the</p> <p>4 50 weeks.</p> <p>5 Q. And did you speak with Mr. Kurtz about</p> <p>6 potential severance packages for Ms. Sandhu?</p> <p>7 A. What I told -- yes, what I -- didn't tell</p> <p>8 him specifically, come up with another package, but</p> <p>9 it was a discussion of, "What if I offered her an</p> <p>10 additional amount of money? What if I were to offer</p> <p>11 her some, you know, benefit of some sort other than</p> <p>12 what was in the package?"</p> <p>13 Q. Can you remember anything else that</p> <p>14 Mr. Kurtz told you about this topic of Ms. Sandhu's</p> <p>15 potential severance package?</p> <p>16 A. He was as, I guess, you'd expect, very</p> <p>17 cautious, telling me that, you know, he didn't -- he</p> <p>18 didn't want me doing, quote, crazy things. That's</p> <p>19 my quote, not his. But I was -- I was pushing to</p> <p>20 see what kind of flexibility I would have in</p> <p>21 discussions with her.</p> <p>22 Q. And there's -- in the email at the top of</p> <p>23 the page, there's a reference to external counsel.</p> <p>24 Did you ever discuss a potential severance package</p> <p>25 for Ms. Sandhu with an external counsel, so</p>



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1 presumably outside of BlackBerry?

2 **A. No, I did not.**

3 MR. TARTAGLIO: Let's go to the next

4 exhibit, 16, and this will be -- 4627 is the Bates

5 Number.

6 (DEPOSITION EXHIBIT 16 WAS MARKED.)

7 BY MR. TARTAGLIO:

8 Q. Do you see this one?

9 **A. Yes.**

10 Q. This one is very short. I'm sure we're all

11 grateful for that. And this appears to be an email

12 from you to Mary Hundt, H-U-N-D-T; is that right?

13 **A. Correct.**

14 Q. And who is she?

15 **A. Mary is the -- she's in the HR organization,**

16 **but in addition to that, she also serves as the**

17 **executive administrator for the board. So you could**

18 **look at her as my executive assistant, if you will.**

19 Q. And would you agree that as of December 1,

20 2023, it appears that the plan was for Neelam to be

21 notified of her termination by the next Monday?

22 **A. Yes.**

23 MR. TARTAGLIO: Let's go to Exhibit 17.

24 (DEPOSITION EXHIBIT 17 WAS MARKED.)

25 / / /

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1 Q. And when you had a -- well, so when you had

2 the conversation with Ms. Sandhu -- well, strike

3 that.

4 Did you have a conversation with Ms. Sandhu

5 in which you relayed those talking points here on

6 page 7 -- 1874?

7 **A. Yes.**

8 Q. Would you agree that although perhaps not an

9 exclusive list of items that were discussed with

10 Ms. Sandhu, that you would have discussed these

11 talking points with her?

12 **A. Yes, I did.**

13 Q. In other words, maybe there were other

14 things in addition to this that you talked about,

15 but do you believe that you did speak about these

16 items with her?

17 **A. I believe I used that list to make this**

18 **discussion occur so, yes, I talked about all of**

19 **them.**

20 Q. And when you spoke with Ms. Sandhu about the

21 company's new direction of business operations, her

22 position becoming redundant, did you elaborate on

23 that at all in the conversation you had with

24 Ms. Sandhu or was that the level of generality that

25 you conveyed the message?

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1 BY MR. TARTAGLIO:

2 Q. And this has the copy of the severance

3 package, but I'm not -- severance offer. I'm not

4 going to ask about the offer, so you can -- you can

5 read it, but I'm not going to ask about the fine

6 details of it. But your choice as to how much you

7 want to read.

8 And for the record this begins at page 18741

9 and goes to 18751.

10 **A. Okay. I've seen it here. I'm ready.**

11 Q. And I'm going to ask not about the full

12 severance offer, but I'm going to start off by

13 asking about these bullet points on the second page.

14 Do you see that?

15 **A. Yes.**

16 Q. And so did these appear to be talking

17 points?

18 **A. The first two bullet points where it says**

19 **"just to keep you in the loop"? Or are you talking**

20 **about the lower ones?**

21 Q. So this would be page 18742.

22 **A. Okay.**

23 Q. Yes.

24 **A. Those are what they recommended I use as**

25 **talking points.**

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1 **A. I honestly don't recall exactly what I said**

2 **in terms of the explanation there, so I don't want**

3 **to try to conclude now what was said then.**

4 Q. When you notified Ms. Sandhu that she was

5 being terminated, did you say anything about the

6 fact that some people had found her difficult to

7 work with?

8 **A. No. No, I -- I stuck pretty much to this**

9 **script here.**

10 MR. TARTAGLIO: Let's go to the next

11 exhibit. This will be 18, and it starts on

12 page 4638, goes to 4639.

13 (DEPOSITION EXHIBIT 18 WAS MARKED.)

14 BY MR. TARTAGLIO:

15 Q. Let me know when you're ready to discuss

16 this one.

17 **A. Okay.**

18 Q. And it appears that this is a letter that

19 was dated December 4, 2023; is that correct?

20 **A. Correct.**

21 Q. And it looks like Ms. Sandhu's employment

22 was scheduled to formally terminate on December 15,

23 2023; is that right?

24 **A. As of this letter, yes. Initially I had**

25 **considered an earlier date, but finding that she was**



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1 out of the country and would need to travel back and
2 wanted to give her time to do the resignation
3 scenario if she chose to, I moved it out to
4 December 15.

5 Q. And it looks like there's a signature block
6 at the bottom of the document that has your name
7 there. Do you see that?

8 A. That's correct.

9 Q. Do you know if you ended up signing a
10 document similar to this one?

11 A. I believe I did. I don't have a copy of it.
12 I wouldn't keep such a thing, but I believe I did
13 sign it, yes.

14 MR. TARTAGLIO: Let's go to Exhibit 19.
15 (DEPOSITION EXHIBIT 19 WAS MARKED.)

16 BY MR. TARTAGLIO:

17 Q. Let me know when you're here.

18 A. I'm there.

19 Q. For the record, this was produced at 18892.
20 And so I'm going to ask about just the part with the
21 underlines, but you can read the whole thing if you
22 want.

23 A. I see that. I'm ready.

24 Q. And so this appears to be an email from you
25 to Ms. Disbrow; correct?

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1 announced before John was announced as the CEO so
2 that it provided more validation to a resignation
3 scenario for Neelam.

4 If we had -- by this point in time I
5 obviously knew that Neelam and John did not get
6 along well, and I found out, of course, that, you
7 know, that was not a secret. I wanted Neelam to be
8 able to leave head high and not be pro -- be
9 perceived as having been fired by the new incoming
10 CEO, so I was anxious to delay the announcement on
11 John until such time as Neelam had made her decision
12 and hopefully would have decided to resign or
13 portray the thing as a resignation.

14 Q. So to recap, you thought that it would have
15 been beneficial to have Ms. Sandhu announce her
16 departure from the company before Mr. Giamatteo was
17 announced to be the CEO?

18 A. Yes.

19 MR. TARTAGLIO: Let's go to Exhibit 20.
20 This goes from 4693 and goes to 4694, so two pages.
21 (DEPOSITION EXHIBIT 20 WAS MARKED.)

22 BY MR. TARTAGLIO:

23 Q. Let me know when you're ready to discuss
24 this one. And just so you know, I'm basically going
25 to ask you to authenticate this email. I'm not

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1 A. Correct.

2 Q. The last paragraph says, "By the way, I
3 spent yesterday afternoon and evening with John.
4 He's a decent negotiator relative to his comp
5 package," and goes on for a bit.

6 So is it fair to say that as of December 6,
7 2023, that BlackBerry was negotiating a potential
8 compensation package for Mr. Giamatteo?

9 A. Yes.

10 Q. And do you recall when negotiations over his
11 compensation package started?

12 A. I believe it was the day before.

13 Q. So December 5, 2023?

14 A. Yes.

15 Q. And then you go on to write, "The delay is
16 waiting for Neelam to tell me whether she wants her
17 separation from the company to be portrayed as a
18 resignation or severance," and it goes on for a
19 little bit.

20 A. Uh-huh.

21 Q. So what was the delay that you were
22 referring to here?

23 A. Let me -- let me reread to make sure I'm
24 going to answer you correctly. I believe that I had
25 concluded that it would be better for Neelam to have

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1 going to really get into the details of it.

2 A. Oh, okay. Everything in this looks like it
3 was valid. This looks like mine.

4 Q. Okay. And so this appears to be an email
5 that you sent to the recipients listed at the top
6 there; is that correct?

7 A. That's correct, and that is the board.

8 Q. And if we go down -- about two-thirds down
9 the way, the first page, do you see the paragraph
10 that starts, "The message to Neelam of her
11 severance"?

12 A. Yes.

13 Q. Looking at that paragraph there -- and you
14 can read the whole thing if you want before you
15 answer my next question. Does that appear to be an
16 accurate summary of the chronology described here?
17 In other words, do you see any reason to doubt the
18 accuracy of this paragraph?

19 A. Yes, that is accurate.

20 Q. And then I guess I said I wasn't going to
21 ask about the details but just a few questions. I
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]



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1 quote, good reason, unquote, clause in her contract.
2 Do you see that?
3 A. Yes, I do.
4 Q. Does that refresh your recollection as to
5 that clause in the contract?
6 A. It very much does, yes.
7 Q. And so does the summary of it in this email
8 appear consistent with your recollection of this
9 contract?
10 A. Let me again read it in detail. Yes, that's
11 accurate.
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 Q. And so as interim CEO, would you agree that
25 the only termination you personally affected was

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1 duplicate. I'm not sure. I think maybe it is.
2 Yeah, I think we can just skip this one.
3 And, Counsel, you might want to look to see
4 maybe there's a clawback needed because --
5 MS. FORSTER: Yeah. I saw it. We'll take a
6 look.
7 MR. TARTAGLIO: Okay. I think we can skip
8 this one and go to Exhibit 22.
9 So let's go to Exhibit 22, and that's 4714.
10 (DEPOSITION EXHIBIT 22 WAS MARKED.)
11 THE WITNESS: Okay. I have it.
12 BY MR. TARTAGLIO:
13 Q. Let me know when you're ready to discuss it.
14 MS. FORSTER: I apologize, Counsel. Which
15 page did you point the witness to?
16 MR. TARTAGLIO: This is Exhibit 22.
17 MS. FORSTER: Oh, it's one page. Thank you.
18 MR. TARTAGLIO: Yeah. It's just one page.
19 THE WITNESS: Okay. I've read it.
20 BY MR. TARTAGLIO:
21 Q. And so this appears to be an email from you
22 to Ms. Sandhu; correct?
23 A. Correct.
24 Q. And do you recall why Phil Kurtz was cc'd on
25 this email?

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1 that of Neelam Sandhu?
2 A. In a very strict interpretation of your
3 words, the answer is yes. But I would object to the
4 question in the sense -- I know I'm not supposed
5 to -- but all of these people would have been
6 terminated if we hadn't been able to find another
7 way to exit them from the business.
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 Q. And so if we're looking at the number of
16 people that you yourself terminated, it was just
17 Ms. Sandhu; correct?
18 A. No, I wouldn't say so. Except in a very
19 technical term of terminated, yes. But exited from
20 the business, I would take credit for all three of
21 these.
22 MR. TARTAGLIO: Let's turn to Exhibit 21.
23 For the record, this is 18942 and goes to 18943.
24 (DEPOSITION EXHIBIT 21 WAS MARKED.)
25 MR. TARTAGLIO: And actually this may be a

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1 A. Phil Kurtz and Tim Foote were responsible
2 for picking up pieces of her organization. If not
3 permanently, on an interim basis. And Phil Kurtz
4 was taking the sustainability, and I had asked Tim
5 Foote to oversee the dissemination of the public
6 relations duties, which was somewhat consistent with
7 the IR work that he typically does.
8 Q. Did you have any reservations about cc'ing
9 Mr. Foote in an email message about the details of
10 Ms. Sandhu's termination?
11 A. No, I did not. I don't see this as details
12 in the sense that it's only talking about the date.
13 Q. And it appears that this email was sent on a
14 Friday evening; is that fair to say?
15 A. It's dated 12/8. If that's a Friday, yes.
16 It was afternoon, so it would have been -- assuming
17 that this was off of my computer, it would have been
18 still morning in San Francisco.
19 Q. And the first sentence says, "It is after
20 5:00 p.m. on Friday here in the east."
21 A. Then it was -- then it's been redated by
22 this computer. So -- okay. So it was 5:00 o'clock.
23 5:00 o'clock.
24 Q. Sorry? What was the last thing?
25 A. So I'll accept that it was after 5:00.



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1 Q. And then about halfway through the document,
2 it says, "I need an answer from you no later than
3 5:00 p.m. EST on Sunday." Do you see that?
4 A. Yes.
5 Q. What was the urgency in requiring a response
6 from Ms. Sandhu over the weekend?
7 A. It was my intention that beginning on the
8 10th, I gather, which is, I guess, the Monday. Or,
9 no, I'm sorry. It's Tuesday. I'm sorry. It's
10 Sunday going to Monday. It was my intention that
11 the organization would be divided up as quickly as
12 possible beginning on that Monday and that we needed
13 to notify the employees before we started shuttling
14 them around. And that we needed to know that so
15 that we could begin to execute on the plan to advise
16 the employees and tell them where they were going to
17 report to.
18 Q. And you can look at some of the previous
19 emails if you want to confirm the chronology. But
20 did you ask Ms. Sandhu to announce her
21 resignation -- resignation in quotes -- by Sunday so
22 that Monday morning the announcement for John
23 Giamatteo, CEO, could come out?
24 A. That may have been a piece of it. I know I
25 discussed the -- the organizational sequence that I

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1 A. I was.
2 Q. And why were you not surprised by her
3 response -- or lack of response?
4 A. We had heard nothing from her since the day
5 that I told her that we were going to terminate her,
6 that people had not heard from her, and that the
7 assumption that I was making at that point and that
8 I think the other gentlemen were making was that
9 having not responded until that time, we would not
10 hear anything else from her. And it turned out that
11 that was the case and that -- I'm just making that
12 statement there.
13 MR. TARTAGLIO: Let's go to the next
14 Exhibit 24. It's going to be page 18972.
15 (DEPOSITION EXHIBIT 24 WAS MARKED.)
16 BY MR. TARTAGLIO:
17 Q. And I'm probably just going to ask you to
18 authenticate this one, but go ahead and read the
19 whole thing if you'd like. It's not very long.
20 A. No. I think I know what it is. I did write
21 that.
22 Q. Okay. Well, that's probably all we need
23 there.
24 MR. TARTAGLIO: Exhibit 25 has the Bates
25 Number 5008.

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1 wanted to go through and that I wanted her to be
2 announced first. That may have played a role here.
3 I don't remember.
4 Q. Do you know if Ms. Sandhu sent a response to
5 this email?
6 A. I never got one.
7 MR. TARTAGLIO: Let's go to the next
8 exhibit, so 23 has Bates Number 18966.
9 (DEPOSITION EXHIBIT 23 WAS MARKED.)
10 BY MR. TARTAGLIO:
11 Q. Let me know when you're ready to discuss
12 this one.
13 A. Uh-huh.
14 Q. And so the second half of this document
15 appears to be an email written by yourself; is that
16 correct?
17 A. The top half, yes.
18 Q. Well, I'm looking at the bottom half of the
19 page.
20 A. Okay. Yes.
21 Q. And there's a sentence that says, "She has
22 not responded, which doesn't surprise any of us."
23 Do you see that?
24 A. Yes.
25 Q. Were you referring to Ms. Sandhu there?

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1 (DEPOSITION EXHIBIT 25 WAS MARKED.)
2 BY MR. TARTAGLIO:
3 Q. And let me know when you're ready to discuss
4 this one.
5 A. I see it and I've read it.
6 Q. So the bottom appears to be an email from
7 Maria Bourn from my law firm. Does that sound right
8 to you?
9 A. If that's where she's from, yes.
10 Q. And who is Kelly Cheun, C-H-E-U-N?
11 A. Kelly is in our HR organization.
12 Q. And it looks like you forwarded this email
13 on to Nita White-Ivy; correct?
14 A. Yes.
15 Q. And you wrote, "Nita, disappointing, but,
16 dot dot, dot." What did you mean by the "but, dot,
17 dot, dot"?
18 A. Well, it's -- it's my way of ending the --
19 ending the discussion or the point I was making
20 there that I was disappointed. That we haven't been
21 able to make this happen in a way that was, I guess,
22 a lot better for everybody at the end. So I was
23 just disappointed to get that -- to get to see that
24 email from -- was it Maria?
25 Q. I'm going to make a suggestion now, which is



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1 perhaps completely wrong, but I'll see if you agree
2 with it or not, that this email from Ms. Bourn was
3 disappointing but not unexpected. Is that
4 consistent with your perception?

5 A. No. I don't know that I'd agree with that
6 necessarily. Looking back historically, I guess I'm
7 not surprised now, but I was -- I wasn't expecting
8 or hoping for that. So I don't -- I don't need to
9 fill in the dots with your words. I -- I --
10 essentially I was disappointed. You don't like to
11 have a person walk away like that, but -- so I was
12 disappointed in it.

13 MR. TARTAGLIO: Let's go to Exhibit 26.
14 There's no Bates numbers here, but this is something
15 that was exchanged in -- as part of this lawsuit.
16 (DEPOSITION EXHIBIT 26 WAS MARKED.)

17 BY MR. TARTAGLIO:
18 Q. And you can read the whole thing, but really
19 I want to ask you about Number 2 and Number 3.

20 A. I'm sorry? 2 -- 2 meaning what?

21 Q. So if you scroll down, you'll see
22 "Information Number 2," and then "Response to
23 Information Number 2."

24 A. Okay. Information, okay. I see
25 "Information Number 2," yes.

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1 Q. Other than through a more general email that
2 would have gone to many people, did you advise John
3 Giamatteo that you would be terminating Ms. Sandhu's
4 employment?

5 A. No.

6 MR. TARTAGLIO: Let's go to the next one,
7 Exhibit 27. These are interrogatory responses.
8 (DEPOSITION EXHIBIT 27 WAS MARKED.)

9 BY MR. TARTAGLIO:
10 Q. And you don't need to read the whole thing,
11 although you're welcome to. But I plan to direct
12 you to the ones that I'm most interested in.

13 A. Okay.

14 Q. Would you like me to do so?

15 A. Yes, please.

16 Q. Okay. Let's turn to page 11. And I guess
17 10 -- page 10 as well, so pages 10 to 11.

18 A. Okay. I have them.

19 Q. Okay. And the bottom says, "State the
20 reasons for your decision to terminate plaintiff."
21 Do you see that?

22 A. Yes.

23 Q. And so we'll go ahead and walk through some
24 of these response statements now. And if you look
25 at the top of page 11, the second sentence says, "In

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1 Q. And the response says, "Richard Lynch was
2 the only person involved in making the decision to
3 terminate plaintiff." Do you see that?

4 A. Yes.

5 Q. Do you think that's accurate?

6 A. Yes.

7 Q. Did you communicate with Mr. Kurtz as part
8 of the decision to terminate Ms. Sandhu?

9 A. As the general counsel of the company, I
10 advised him, yes. I did not consult with him. I
11 told him what I was going to do.

12 Q. Was Mr. Kurtz involved in the decision to
13 terminate Ms. Sandhu?

14 A. No, it was my decision. He was -- he
15 advised me, but he was not the decision-maker, nor a
16 co-decision-maker.

17 Q. Was Lisa Disbrow involved in the decision to
18 terminate Ms. Sandhu?

19 A. No.

20 Q. Did you ever discuss with her?

21 A. I advised her what my intent was. As the
22 audit committee chair and as the person who was
23 responsible for the investigation, I thought she
24 needed to know. But she was not a decision-maker.
25 I did it.

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1 October of 2023, BlackBerry announced that it would
2 separate the IoT" -- presumably internet of
3 things -- "and cybersecurity businesses into two
4 standalone entities."

5 Did that happen?

6 A. It has happened in a way slightly different
7 than the October announcement. But it -- yes, it
8 has happened.

9 Q. And how is -- how did it happen differently
10 than the way it was announced in October of 2023?

11 A. The announcement that you're talking about
12 is referred to as "project imperium" and that was a
13 plan that would have placed QNX or the IoT division
14 in a quasi public environment with its own stock --
15 tracking stock. We chose not to do that. That's
16 when project mustard was initiated, and what we have
17 done now is made the two business units essentially
18 self-sufficient with some exceptions to which we're
19 still evolving away from. But the essence of the
20 October 2023 versus the November or December project
21 mustard separation, there's a -- there's a
22 distinction I just want to call there.

23 Q. And currently are the internet of things
24 group and cybersecurity business in two standalone
25 entities?



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1 **A. They are two separate business units. When**
2 **you refer to a standalone entity, that's not in my**
3 **mind as clear as saying "two separate business**
4 **units."**
5 Q. And if we go down to the next paragraph, the
6 second sentence says, "As a result, plaintiff's
7 position was eliminated along with those of two
8 other executives and more than 500 employees."
9 Do you see that?
10 **A. I don't see it yet, but I'm sure I will find**
11 **it. Yes, I see that. Okay.**
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 Q. Doesn't BlackBerry currently have a chief
21 people officer?
22 **A. No. We went through this this morning. The**
23 **chief people officer today has a much honed down**
24 **role, and that individual is also running the**
25 **cybersecurity or what is now called the secure**

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1 **people now, but I can't give you a definitive**
2 **number.**
3 Q. And do you know when the -- the amount of
4 time -- are you able to estimate the amount of time
5 that elapsed between the termination of Ms. Sandhu
6 and the first round of layoffs after that?
7 **A. Weeks. It was not a long period of time.**
8 **It was planning underway by the first of the year,**
9 **and I believe the first layoff of what I will call**
10 **the subordinate levels of people occurred early in**
11 **the first quarter.**
12 Q. And I'll -- I'm not going to make this an
13 exhibit because it's the Canadian Press news
14 website, but I will just quickly share my screen
15 here. Are you able to see this, "BlackBerry to lay
16 off more staff as part of splitting up business"?
17 **A. I see that, yes.**
18 Q. And this is dated February 12, 2024.
19 **A. Uh-huh.**
20 Q. And then it goes on to say that BlackBerry
21 would be laying off 200 jobs as part of the effort
22 to slash costs.
23 **A. I see that, yeah.**
24 Q. So I'm not going to ask you to vouch for the
25 accuracy of this article, but looking at this

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 Q. And there's reference here to more than 500
7 employees being laid off. Do you see that?
8 **A. I think it's more than that now.**
9 Q. When -- when did the layoff referred to here
10 occur?
11 **A. It's been --**
12 MS. FORSTER: Objection. Assumes -- just a
13 second. Assumes facts not in evidence.
14 Go ahead.
15 **THE WITNESS: Okay. It's an incremental**
16 **number that has been done since the beginning of**
17 **2024, and I believe this number is actually low now.**
18 BY MR. TARTAGLIO:
19 Q. What -- so there was multiple rounds of
20 layoffs; is that fair to say?
21 **A. Yes.**
22 Q. And are you able to estimate that -- what
23 the number of people would be laid off as a result
24 of this shift in strategy?
25 **A. I believe it's reaching closer to a thousand**

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1 article, does it appear that the first round of
2 layoffs we were just discussing would have been
3 February 12, 2024?
4 **A. That's reasonable. I can't -- I can't vouch**
5 **for the number, but I think the -- that date is**
6 **probably reasonable as a press release out of a**
7 **newspaper. I think that the actual announcement of**
8 **the people that were leaving was probably a little**
9 **before that.**
10 Q. And the next sentence says, "BlackBerry
11 declined to place plaintiff in another role at the
12 company because she displayed a pattern of
13 noncollaborative, antagonistic conduct with her
14 colleagues and expressed a belief that they were not
15 contributing as much as she was."
16 Do you agree with that sentence?
17 **A. I do. And particularly the belief that**
18 **they're not contributing as much as she was is**
19 **consistent with the discussion I had with her back**
20 **in November when I first interviewed with her.**
21 Q. Do you know whether others were, in fact,
22 not contributing as much as she was to the business?
23 **A. At the executive level, which is the only**
24 **level I'd be aware of, I -- I can't say that there**
25 **were. But below the executive level, I'm sure there**



<p style="text-align: right;">Page 218</p> <p>1 were other people in that same position.</p> <p>2 Q. And the next sentence says, "BlackBerry</p> <p>3 specifically declined to place plaintiff in another</p> <p>4 role serving the BlackBerry customer accounts she</p> <p>5 had managed in her role on the elite team because</p> <p>6 plaintiff's performance with those customer accounts</p> <p>7 was not strong." And it goes on, but I want to</p> <p>8 focus on this first part here.</p> <p>9 Do you agree that plaintiff's performance</p> <p>10 with her customer accounts -- her elite customer</p> <p>11 accounts was not strong?</p> <p>12 A. Two comments, if I might, there. First,</p> <p>13 yes, but I -- we have to talk about the performance</p> <p>14 criteria that were displayed at the board meetings</p> <p>15 where elite accounts was significantly below the</p> <p>16 performance of many of the other groups, if not all</p> <p>17 the other groups. And I recall that. But the other</p> <p>18 important point is that it is important to include</p> <p>19 the fact that John Chen expressed frustration to me</p> <p>20 at one point that he had to get involved</p> <p>21 significantly with elite accounts in order to push</p> <p>22 it along, making things happen. So I tie those two</p> <p>23 pieces together.</p> <p>24 Q. And so it sounds like as to her performance</p> <p>25 with customer accounts, you recall some discussions</p>	<p style="text-align: right;">Page 219</p> <p>1 at the -- at board meetings in which the elite</p> <p>2 performance was discussed?</p> <p>3 A. It was discussed as part of the -- the bonus</p> <p>4 performance plan when it was reviewed by John Chen</p> <p>5 at each annual point where that was done, and also</p> <p>6 the comments that he made to me in a break during</p> <p>7 that period -- during the meeting.</p> <p>8 Q. Do you remember with any more detail the</p> <p>9 performance with customer accounts? So I'll give</p> <p>10 you an example. Perhaps cyber business unit was up</p> <p>11 10 percent but elite down 10 percent. Something</p> <p>12 like that.</p> <p>13 Are you able to recall at that level of</p> <p>14 generality why the performance with elite customer</p> <p>15 accounts was not strong?</p> <p>16 A. Yeah. The best way to describe it is that</p> <p>17 we were presented with the annual performance of</p> <p>18 each of the individual business units. Or -- don't</p> <p>19 use the term "business units." But the business</p> <p>20 managers and the performance against their plans.</p> <p>21 And the elite I can still remember being something</p> <p>22 like 1 percent where most of the other units were</p> <p>23 not doing all that well, but they are 50 and</p> <p>24 60 percent of their plan.</p> <p>25 Q. When you say "percent of plan," do you mean</p>
<p style="text-align: right;">Page 220</p> <p>1 like percentage of a quota that they are hitting?</p> <p>2 A. You could describe it that way. It's a</p> <p>3 percent of what they -- their plan of what they</p> <p>4 would commit to and deliver on.</p> <p>5 Q. And is it your recollection that -- that the</p> <p>6 elite accounts group was hitting only 1 percent of</p> <p>7 its target goals?</p> <p>8 A. That's one of the numbers I remember, yeah.</p> <p>9 No, you can't say 1 percent of their goals. You can</p> <p>10 only say 1 percent of the calculated deliverables.</p> <p>11 Whatever those goals accumulated to. It's easier to</p> <p>12 show on a chart, but it is essentially the</p> <p>13 calculation of what the payout will be for the</p> <p>14 individuals short of John Chen overriding those</p> <p>15 numbers and awarding something better to people,</p> <p>16 which he did periodically. But it is a</p> <p>17 representation of the overall performance of the</p> <p>18 individual and their group.</p> <p>19 Q. And so if elite group were meeting only</p> <p>20 1 percent of its expectations, that would appear to</p> <p>21 be pretty catastrophic; right?</p> <p>22 A. Yes.</p> <p>23 Q. And you're confident that it was 1 percent?</p> <p>24 A. I recall that it's not every month, not</p> <p>25 every year, but it was at one point -- I believe at</p>	<p style="text-align: right;">Page 221</p> <p>1 the end of one of the years, it was -- was quite</p> <p>2 low.</p> <p>3 Q. And the response goes on to say, "Plaintiff</p> <p>4 told interim CEO Richard Lynch that she wanted to be</p> <p>5 CEO herself." Is that accurate?</p> <p>6 A. Yes. Yes, that is accurate.</p> <p>7 Q. And then it goes on to say, "Mr. Lynch did</p> <p>8 not think that plaintiff would be able to carry on</p> <p>9 with the business in a constructive or successful</p> <p>10 way when she lacked good relationships with others</p> <p>11 in the organization, especially when she wanted the</p> <p>12 CEO role and was not going to get it." Do you agree</p> <p>13 with that?</p> <p>14 A. Yes.</p> <p>15 Q. If Ms. Sandhu had said that she was not</p> <p>16 interested in the CEO role, would that demonstrate a</p> <p>17 lack of ambition on her part?</p> <p>18 A. No, I don't think so. I think that silence</p> <p>19 in that area would have been prudent. And you don't</p> <p>20 say you don't want a role, but silence on that --</p> <p>21 that point is, I think, appropriate.</p> <p>22 Q. And earlier there was discussion -- way back</p> <p>23 earlier in the deposition we had a discussion about</p> <p>24 Ms. Sandhu saying she wanted to be CEO versus she</p> <p>25 wanted to be considered as CEO.</p>



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1 Now that we've gone through a bunch of
2 exhibits, are you able to -- to say whether she
3 wanted to be CEO or whether she wanted to be
4 considered for CEO?

5 A. I don't parse the difference very well in my
6 mind. A person may -- if they want to be CEO, they
7 want to be considered to be CEO. And if you don't
8 want to be, you don't want to be considered. So to
9 me it's one in the same. She wanted to be the CEO,
10 and I didn't feel that she was ready for it, and I
11 didn't feel she was ready for it from an experience
12 standpoint nor did I feel she was ready for it from
13 a relationship standpoint with her peers.

14 Q. So is it fair to say one of the reasons why
15 she was let go from the company rather than being
16 given a new placement is that she had expressed
17 interest in being CEO?

18 A. No, no. She was in a job which
19 unfortunately was a job that was all corporate level
20 and would be all put back into the business units
21 from which it would have come logically as you were
22 laying out the two business units' strategy. She
23 had a piece of something that belonged in cyber
24 business unit. She had a piece of something that
25 would be divided and put into the two business

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1 whole thing if you want to. I am going to ask about
2 the first three pages. So -- well, not the whole
3 thing, but basically parts of the first three pages.
4 So I would suggest reading those if you have not
5 seen this document before.

6 A. I would like to read them then.

7 Q. And let me know when you're ready to discuss
8 this.

9 A. I will. I will. I've read it.

10 Q. All right. So I'm going to ask now about
11 the first page that -- well, I guess technically
12 it's page 2 of 41. And a couple lines down from the
13 top, it says that Ms. Sandhu "demonstrated that she
14 viewed her colleagues as enemies and rivals, rather
15 than teammates, and she appeared to have convinced
16 herself that she was the only person at Blackberry
17 who was good at her job."

18 Do you agree -- well, strike that.

19 Is that sentence consistent with your
20 assessment of Ms. Sandhu's personality?

21 A. Yes.

22 Q. And the document goes on to say, "She became
23 antagonistic, and her toxic competitiveness sowed
24 animosity, blocked collaboration, and took an
25 extreme toll on the people who worked with her."

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1 units. And the third piece, the sustainability
2 piece, we put that into corporate legal group. It's
3 kind of a -- an ancillary person or something. But
4 the -- the two bigger pieces she had both belonged
5 to business units.

6 So the major determinative that she was not
7 needed in the business and that I chose to terminate
8 her was the fact that her role would expire on the
9 basis of the new definition of how BlackBerry was
10 organized.

11 Q. And let's go to the last page of this
12 exhibit. This is the verification. Do you see
13 that?

14 A. Yes.

15 Q. And did you sign that document?

16 A. That's not me. That's -- oh, the one down
17 here is. Okay. Yes.

18 Q. For numbers 5 and 6 specifically?

19 A. Yes.

20 MR. TARTAGLIO: Let's go to Exhibit 28. And
21 for the record, this was not produced, but it was
22 filed at docket Number 60 -- 60.

23 (DEPOSITION EXHIBIT 28 WAS MARKED.)

24 BY MR. TARTAGLIO:

25 Q. And I'm not going to ask you to read the

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1 Is that also consistent with your assessment
2 of Ms. Sandhu's personality?

3 A. I -- I may have used slightly different
4 words, but yes.

5 Q. Can you provide any examples of the extreme
6 emotional toll that Ms. Sandhu inflicted on her
7 coworkers?

8 A. Well, I do know that two of her employees
9 all of a sudden decided to take leaves to the
10 surprise of everyone involved. I was made aware of
11 that. And to me, that's an indication of a problem,
12 and that was with a couple of her own employees.

13 Q. And did those people say that they were
14 going on leave because --

15 A. I did -- I did not talk to them directly.
16 But my experience is quite clear that two people
17 leave on the same day, or in the same short period
18 of time, that there's -- there's an issue beyond
19 them having some illness that's come up.

20 (Reporter clarification.)

21 THE WITNESS: Illness.

22 BY MR. TARTAGLIO:

23 Q. And the following sentence says, "Over many
24 years, Ms. Sandhu alienated nearly everyone within
25 BlackBerry's leadership and beyond."



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1 Do you agree with that statement?

2 A. I do today. I did by the time I got to the

3 end of my CEO role. I did not realize that early

4 on, but I did by the end of the period I was there.

5 Q. Who can you think of who was alienated

6 beyond BlackBerry's leadership?

7 A. The people in her organization in a number

8 of cases actually sent me emails indicating the

9 pleasure with which they took their reassignments

10 into other organizations.

11 Q. Can you recall who sent those emails you

12 just referred to?

13 A. Not by name. But a couple of the employees

14 within the organization.

15 Q. And I think you mentioned a few employees

16 within Ms. Sandhu's organization she had alienated.

17 A. Yes.

18 Q. Who were you thinking of?

19 A. Again, I'm referring to the ones I'm just

20 talking about, which is people who said to me,

21 "We're glad that this change has been made. Things

22 were very difficult here."

23 Q. The last -- well, the second-to-last

24 sentence to this page says, "She was adversarial

25 with the cyber BU team and actively blocked the two

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1 that that was not the right way to go. And once

2 John Chen left, we reformed that into project

3 mustard and defined the two standalone businesses as

4 staying within the corporate umbrella of BlackBerry

5 with the idea that down the road there may be some

6 strategic activity.

7 Q. And if we go down to the underlined

8 portions. That's from me, by the way. That's not

9 original to the document. The second underlined

10 sentence says, "Despite that history, Ms. Sandhu

11 expressed to Mr. Lynch during their meeting that she

12 believed she should be the next CEO of BlackBerry."

13 Do you agree that Ms. Sandhu told you that

14 she should be the next CEO of BlackBerry? Emphasis

15 on the word "should."

16 A. Emphasis on the word "should," no. But she

17 certainly did express that it was her intention to

18 be considered for the position of CEO of BlackBerry.

19 Q. The next page. There's an underlined

20 sentence that says, "Mr. Lynch further believed that

21 Ms. Sandhu's sustainability" -- sorry. I'll read a

22 little slower -- "sustainability work would be

23 better handled by BlackBerry's legal term."

24 Why is it that BlackBerry's legal team would

25 be better at doing sustainability work than

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1 groups from working together or sharing information

2 for the best interest of the company."

3 Do you have any knowledge of this happening?

4 A. Examples, I cannot give you. But this is,

5 as been reported, again at a level beneath the

6 executive team, that there was difficulties between

7 the groups. And it was her group that indicated

8 that they would have liked to have worked more

9 closely with the cyber business unit on certain

10 things.

11 Q. If we go to the next page about halfway down

12 the page starting at row 11 -- or I guess line 11,

13 it says, "In mid-2023, the company had announced

14 that it would review its portfolio of businesses

15 and, after several months of consideration, this

16 review led to a further announcement that the

17 company intended to split into two standalone

18 businesses, with the goal at the time of pursuing a

19 subsidiary initial public offering of the internet

20 of things business."

21 Was there ever an international public

22 offering for the internet of things business?

23 A. No. That's -- you may recall earlier today

24 I talked about project imperium. That was the

25 defined goal of project imperium, and the board felt

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1 Ms. Sandhu?

2 A. Because the view of the sustainability work

3 is that it is one person or a fraction of a person

4 and that there was no value in Neelam being that

5 individual, that it could be grouped with other

6 activities ongoing in the legal organization.

7 Q. Does legal team have any particular

8 expertise in the field of sustainability?

9 A. It's my understanding that there is someone

10 within that group that has the responsibility to

11 respond to any governmental requirements --

12 governmental requests, and so the answer to that

13 from my perspective is yes.

14 Q. Do you know who that person is?

15 A. No.

16 Q. And the next couple of sentences -- so I'm

17 not going to read the whole thing, but near the end

18 of the paragraph, there's a reference here to,

19 quote, "She deserved the CEO role" comma.

20 Do you agree that Ms. Sandhu told you that

21 she deserved the CEO role?

22 A. I wouldn't say that she said she deserved.

23 That wasn't her words.

24 MR. TARTAGLIO: Let's go to the next

25 exhibit.



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1 (Reporter clarification.)
2 MR. TARTAGLIO: Sure. Let's take a break.
3 Want to come back at 4:00?
4 THE VIDEOGRAPHER: This marks the end of
5 media Number 3. We are now going off the record.
6 The time is 3:52 p.m.
7 (Off the record: 3:52 p.m. to 4:02 p.m.)
8 THE VIDEOGRAPHER: We're now going on the
9 record. The time is 4:02 p.m. This marks the
10 beginning of Media Number 4 in the deposition of
11 Dick Lynch on June 5, 2025. Please continue.
12 MR. TARTAGLIO: Let's go to Exhibit
13 Number 29.
14 (DEPOSITION EXHIBIT 29 WAS MARKED.)
15 BY MR. TARTAGLIO:
16 Q. And I'm not going to ask you about the
17 minutiae of this agreement. I'll give you a little
18 introduction to this. So this is something I got
19 from an SEC filing, so just -- public filing from --
20 I forget if it was BlackBerry's website or the SEC
21 website. And it's an agreement that was made with
22 Marjorie Dickman.
23 So go ahead and take a look at this. I'm
24 not going to ask about every little clause.
25 But I will ask about -- a few kind of

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1 question vague and ambiguous.
2 MR. TARTAGLIO: I will ask it again after he
3 has the chance to read.
4 THE WITNESS: Okay. I've read it now.
5 Thank you.
6 BY MR. TARTAGLIO:
7 Q. And until just now, were you aware that in
8 addition to being paid \$900,000, Ms. Dickman was
9 also given some equity rights in addition to that?
10 A. No.
11 Q. And were you aware until just now that
12 Ms. Dickman, as part of her severance, was also
13 given a pro rata amount of variable incentive plan
14 bonus?
15 A. I believe that's standard, but, no, I was
16 not.
17 Q. Until recently were you -- until just now,
18 were you aware that in addition to what we've also
19 discussed, Ms. Dickman was also, according to
20 subsection E, paid about \$13,000 for attorneys'
21 fees?
22 A. No.
23 Q. And looking at subsection F, were you aware
24 until just now that Ms. Dickman was also apparently
25 given some sort of reimbursement for vacation?

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1 high-level questions about this. And let me
2 know when you're ready to discuss.
3 A. Okay. I think it would be easier if you
4 asked the questions rather than me trying to read
5 through the whole thing initially here.
6 Q. Sure. So before just now, were you -- and I
7 guess let's exclude yesterday. Maybe you talked
8 about this with your lawyers. But before yesterday
9 were you aware of this separation agreement between
10 Ms. Dickman and BlackBerry?
11 A. No. I was aware of the separation but not
12 the agreement.
13 Q. And were you aware that Ms. Dickman was paid
14 a severance payment of \$900,000?
15 A. Not until just now.
16 Q. And were you aware that according to
17 Paragraph 2(c), in addition to the \$900,000 payment,
18 Ms. Dickman was also -- and I don't understand
19 exactly how this worked -- but she was given some
20 sort of equity in addition to severance payment?
21 A. Well, allow me to read that paragraph,
22 please.
23 Q. Sure.
24 MS. FORSTER: While the witness is reading,
25 I will interpose the objection that I find that

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1 A. No, I was not.
2 Q. Do you know whether Ms. Dickman threatened
3 to bring a lawsuit against BlackBerry?
4 A. I do not.
5 Q. Do you know what Ms. Dickman alleged that
6 resulted in this severance package of over \$900,000?
7 MS. FORSTER: Objection. Assumes facts not
8 in evidence.
9 THE WITNESS: No, I do not.
10 BY MR. TARTAGLIO:
11 Q. As a member of the board of directors, would
12 you expect that you would have been informed of
13 agreements such as this one for over \$900,000
14 settlement?
15 A. No. Not if it doesn't come to the level at
16 which it exceeds the executive's authority. If an
17 executive has the authority to -- as an example, to
18 make an agreement for a million dollars, unless it
19 came above \$2 million, we would not necessarily have
20 board approval requirements.
21 Q. And that million dollars, is that a rule
22 that's in place or was that just a hypothetical
23 example?
24 A. That's a hypothetical example.
25 Q. Is there a rule in place that the board



<p style="text-align: right;">Page 238</p> <p>1 this one.</p> <p>2 A. Yep. That one is easy. I can -- I'm ready.</p> <p>3 Q. And so this email refers to discussing the</p> <p>4 separations -- I'm reading from the first sentence,</p> <p>5 the separations with Phil Kurtz. Would that have</p> <p>6 included Ms. Sandhu?</p> <p>7 A. Yes.</p> <p>8 Q. And you go on to say, "I think I have three</p> <p>9 different situations and I want to handle them all</p> <p>10 properly but differently."</p> <p>11 What were those three situations you're</p> <p>12 referring to?</p> <p>13 A. The three individuals. We had one where we</p> <p>14 had intended to do a termination with an offer to --</p> <p>15 to have it look like a resignation. We had one</p> <p>16 where I was getting the distinct impression that a</p> <p>17 resignation would be forthcoming before I needed to</p> <p>18 go any further with a discussion of termination.</p> <p>19 And the third one was an individual who understood</p> <p>20 that he would be terminated and would like to</p> <p>21 resign. Those are the three situations as we've</p> <p>22 described them before.</p> <p>23 Q. And the next -- well, two sentences further</p> <p>24 along, it says, "I want help keeping us out of legal</p> <p>25 trouble, or at least position the situation to best</p>	<p style="text-align: right;">Page 239</p> <p>1 protect us if there's legal activity."</p> <p>2 So were you contemplating that there might</p> <p>3 be some legal trouble associated with the three</p> <p>4 terminations we were just discussing? Or I guess</p> <p>5 three separations we were just discussing?</p> <p>6 A. Any time you separate people against their</p> <p>7 will, you have to be prepared for a blowback</p> <p>8 reaction. Whether it happens or not, a lot has to</p> <p>9 do with the way that the situation is handled. And</p> <p>10 in this case, I just wanted to be sure that, should</p> <p>11 we have a problem, that I had done the right things.</p> <p>12 Q. So at this point, November 24, 2023, did you</p> <p>13 think that Neelam Sandhu might sue the company over</p> <p>14 her termination?</p> <p>15 A. No more so than Nita or Mark.</p> <p>16 Q. But did you think that Ms. Sandhu might sue</p> <p>17 the company as of this date?</p> <p>18 A. That probability is always there, so I had</p> <p>19 to assume that that's a possibility.</p> <p>20 MR. TARTAGLIO: Let's go to the next</p> <p>21 exhibit, 32. This is 20172.</p> <p>22 (DEPOSITION EXHIBIT 32 WAS MARKED.)</p> <p>23 BY MR. TARTAGLIO:</p> <p>24 Q. That is a short one. Let me know when</p> <p>25 you're ready to discuss.</p>
<p style="text-align: right;">Page 240</p> <p>1 A. Okay.</p> <p>2 Q. And so there's some discussion here.</p> <p>3 Ms. Forster, I'm sure she's pleased to see herself</p> <p>4 being discussed positively.</p> <p>5 So did you have a discussion with</p> <p>6 Ms. Forster before terminating Ms. Sandhu?</p> <p>7 A. No.</p> <p>8 Q. Was that "no"?</p> <p>9 A. No. I'm sorry.</p> <p>10 Q. And I phrased that incorrect -- I think</p> <p>11 poorly. So did you have a call with Ms. Forster</p> <p>12 before notifying Ms. Sandhu that she was being</p> <p>13 terminated?</p> <p>14 A. I did not.</p> <p>15 Q. Is there any particular reason</p> <p>16 why -- well, strike that.</p> <p>17 So in referring to -- to present purposes in</p> <p>18 this email, were you thinking about the termination</p> <p>19 of Ms. Sandhu?</p> <p>20 A. Among others.</p> <p>21 Q. And what was it about the decision to</p> <p>22 terminate Ms. Sandhu that you thought justified</p> <p>23 bringing in an outside attorney?</p> <p>24 A. In her case specifically? I can't -- I</p> <p>25 can't speak to that. I was advised by my counsel</p>	<p style="text-align: right;">Page 241</p> <p>1 that we should -- given the number of terminations</p> <p>2 we'd be making that this was a good idea.</p> <p>3 MR. TARTAGLIO: Let's go to Exhibit 33.</p> <p>4 (DEPOSITION EXHIBIT 33 WAS MARKED.)</p> <p>5 BY MR. TARTAGLIO:</p> <p>6 Q. This is a printout from the website we were</p> <p>7 looking at earlier today, so I guess there's not a</p> <p>8 whole lot to say here, other than does this appear</p> <p>9 to be a printout from BlackBerry's web page?</p> <p>10 A. Yes.</p> <p>11 MR. TARTAGLIO: And Exhibit 34.</p> <p>12 (DEPOSITION EXHIBIT 34 WAS MARKED.)</p> <p>13 BY MR. TARTAGLIO:</p> <p>14 Q. We already reviewed much of this today, but</p> <p>15 I do want to go to page -- I want to -- see, there's</p> <p>16 two Bates numbers, but this would be BB13-000019050</p> <p>17 [sic].</p> <p>18 I'm not sure why there's two numbers, but do</p> <p>19 you see the page I'm looking at?</p> <p>20 A. I'm looking for it. You said 050, and I'm</p> <p>21 still getting there. Yes.</p> <p>22 Q. And so this page -- does this appear to be</p> <p>23 some notes from a call with Phil Kurtz?</p> <p>24 A. Yes, it is.</p> <p>25 Q. And in this call you discussed asking</p>



<p style="text-align: right;">Page 242</p> <p>1 Ms. Sandhu to see press releases, blogs, LinkedIn</p> <p>2 for the next month or so. Do you see that?</p> <p>3 A. That is -- that is correct.</p> <p>4 Q. And what was the reason for that?</p> <p>5 A. As -- as we had discussed before, I was</p> <p>6 trying to change the public perception of the</p> <p>7 business, the employee perception of the business,</p> <p>8 and the press releases and the blogs and such had</p> <p>9 all been coming out of the same organization that</p> <p>10 Neelam had been running for some extended period of</p> <p>11 time. She did not yet have my full understanding of</p> <p>12 what I wanted to accomplish, and I thought that by</p> <p>13 being able to see these releases before they went</p> <p>14 out, that I'd be able to tweak them to make sure</p> <p>15 that they were representing the messaging that I</p> <p>16 wanted to have put into the public form. And Phil,</p> <p>17 as my go-to guy, I asked him to please check in with</p> <p>18 her and ask to see all those.</p> <p>19 Q. I'm going to ask a few follow-up questions</p> <p>20 about topics we discussed earlier today. So I think</p> <p>21 you mentioned that you had a discussion with John</p> <p>22 Chen about some conflict that the elite customer</p> <p>23 group had had with another group. Do you recall</p> <p>24 that?</p> <p>25 A. I do.</p>	<p style="text-align: right;">Page 243</p> <p>1 Q. And did John Chen say that he thought that</p> <p>2 Ms. Sandhu was to blame for that tension that</p> <p>3 existed?</p> <p>4 A. His words to me were "I'm tired of having to</p> <p>5 be in the middle of everything the elite group does.</p> <p>6 This should be done on their own." I conclude from</p> <p>7 that that the elite groups' performance was not</p> <p>8 consistent with his expectation.</p> <p>9 Q. Did he say anything that would rule out the</p> <p>10 possibility that there was another group who was to</p> <p>11 blame for causing the friction between the elite</p> <p>12 group and that other group?</p> <p>13 A. He didn't describe friction. He described</p> <p>14 the malfunctioning of the elite group. He didn't</p> <p>15 talk about any other groups.</p> <p>16 Q. Do you remember earlier when we talked about</p> <p>17 two people within Ms. Sandhu's group suddenly going</p> <p>18 out on leave at the same time?</p> <p>19 A. Yes.</p> <p>20 Q. Did you ask anyone to look into why these</p> <p>21 two individuals had gone out on leave?</p> <p>22 A. No.</p> <p>23 Q. And so your inference that they did not want</p> <p>24 to work with Ms. Sandhu, is that based on anything</p> <p>25 other than the fact that they had both taken leave</p>
<p style="text-align: right;">Page 244</p> <p>1 at the same time?</p> <p>2 A. In the context in which I was operating at</p> <p>3 that time, I drew that conclusion and would stick by</p> <p>4 that conclusion.</p> <p>5 Q. And did -- did anyone ever tell you why</p> <p>6 these two folks had gone out on leave?</p> <p>7 A. I never asked.</p> <p>8 Q. So earlier we talked about the fact that</p> <p>9 Neelam's -- well, that Ms. Sandhu's elite business</p> <p>10 group had been having some performance issues. Do</p> <p>11 you remember that?</p> <p>12 A. Yes.</p> <p>13 Q. Did you ever speak with Ms. Sandhu to ask</p> <p>14 her to explain why these performance issues had been</p> <p>15 happening?</p> <p>16 A. No, no. The performance issues that I'm</p> <p>17 referring to were in 2022, 2023, prior to my -- my</p> <p>18 taking the temporary role, and I was not in a</p> <p>19 position to do that at that time.</p> <p>20 Q. Well, before deciding to terminate</p> <p>21 Ms. Sandhu, did you give her a chance to explain</p> <p>22 what might have caused some of the performance</p> <p>23 problems with the elite customer group?</p> <p>24 A. I did not because the primary decision had</p> <p>25 nothing to do with the performance. It had to do</p>	<p style="text-align: right;">Page 245</p> <p>1 with the role that she was playing in the company at</p> <p>2 that point in time. The performance component was</p> <p>3 merely an additional, what I would call, relevant</p> <p>4 contributor to my confirmation of my decision.</p> <p>5 Q. At some point while the Morrison Foerster</p> <p>6 Law Firm was investigating the allegation of --</p> <p>7 against John Giamatteo, did that investigation's</p> <p>8 scope grow to also increase some allegations against</p> <p>9 Neelam Sandhu?</p> <p>10 A. I am not aware of the investigation other</p> <p>11 than the reading that I have done on it, and so to</p> <p>12 the extent that its description in the -- in the</p> <p>13 document, that's all I have to read from. So I</p> <p>14 can't -- I can't comment on that.</p> <p>15 Q. And so to kind of summarize, can you say one</p> <p>16 way or another whether the scope of the</p> <p>17 investigation grew to include some allegations</p> <p>18 against Ms. Sandhu?</p> <p>19 A. I don't recall that.</p> <p>20 Q. Do you think that it would be best -- or it</p> <p>21 would have been best to have waited for the Morrison</p> <p>22 Law Firm to complete its investigation before</p> <p>23 reaching a conclusion as to whether the allegations</p> <p>24 investigated were actually true?</p> <p>25 MS. FORSTER: Sorry. Can you -- may I ask</p>



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1 the court reporter to please read that question
2 back.
3 (Record read as follows:
4 "Question: Do you think that it
5 would be best -- or it would have
6 been best to have waited for the
7 Morrison Law Firm to complete its
8 investigation before reaching a
9 conclusion as to whether the
10 allegations investigated were
11 actually true?")
12 **THE WITNESS: But we did do that. We -- we**
13 **waited for the end result before we took any further**
14 **actions.**
15 BY MR. TARTAGLIO:
16 Q. And why would it be important to not
17 prejudge the results of the Morrison Foerster
18 investigation?
19 **A. Because if the accusations were correct,**
20 **we'd be firing someone else and that would have been**
21 **John Giamatteo.**
22 Q. I'm going to share an exhibit now.
23 MR. TARTAGLIO: And I think I'll ask
24 Ms. Forster to review the document before Mr. Lynch
25 looks at it just to make sure that it's okay to show

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1 **investigation.**
2 Q. The first sentence of this email says, "Hi
3 Eric, the board is wondering whether Neelam is in
4 scope for our investigation now."
5 Do you remember any discussions at the board
6 of directors about whether the MoFo investigation
7 should include allegations against Ms. Sandhu?
8 MS. FORSTER: I just have -- objection.
9 Assumes facts not in evidence.
10 **THE WITNESS: I do not recall that**
11 **discussion taking place at a board meeting.**
12 BY MR. TARTAGLIO:
13 Q. Do you recall any discussion at a board
14 meeting of whether Ms. Sandhu should be part of the
15 MoFo investigation in whatever capacity?
16 **A. No.**
17 Q. And then if we look at the big paragraph,
18 the last sentence says, "She can only be a
19 fraudulent complainant, which negates any right to
20 anonymity in my view." Do you see that?
21 **A. I see it.**
22 Q. Do you think it was acceptable for Phil
23 Kurtz to tell the investigators at MoFo that he
24 thought that complaint was fraudulent?
25 MS. FORSTER: Objection. Mischaracterizes

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1 it to him. It is stamped confidential. I just want
2 to be careful about this.
3 MS. FORSTER: Yeah. There's no reason you
4 can't show this to him.
5 (DEPOSITION EXHIBIT 35 WAS MARKED.)
6 BY MR. TARTAGLIO:
7 Q. Okay. Then take a look at Exhibit 35. I
8 just put it in the chat.
9 MR. TARTAGLIO: And this was produced at
10 19473.
11 **THE WITNESS: Okay.**
12 BY MR. TARTAGLIO:
13 Q. And so this is an email from Phil Kurtz to
14 "etate." Do you know who etate is?
15 **A. No.**
16 Q. And the recipient is at mofo.com. Do you
17 know who MoFo is?
18 (Reporter clarification.)
19 (Record read as follows:
20 "Question: And the recipient is at
21 mofo.com. Do you know who MoFo is?")
22 **THE WITNESS: Yes.**
23 BY MR. TARTAGLIO:
24 Q. And who is MoFo?
25 **A. It is the firm that was used for the**

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1 the document. Lacks foundation. Calls for
2 speculation.
3 **THE WITNESS: I'm -- my answer to you is**
4 **that I can't speak for Phil Kurtz. And this is the**
5 **first I've seen of this email, and I -- I don't**
6 **understand how I could be really competent to answer**
7 **the question on it.**
8 BY MR. TARTAGLIO:
9 Q. If there were an active investigation, would
10 you tell the investigator that you thought the
11 complaint was fraudulent?
12 MS. FORSTER: Objection. Misstates the
13 document. Incomplete hypothetical.
14 **THE WITNESS: I would certainly give the**
15 **investigators the freedom to do what they felt was**
16 **necessary.**
17 BY MR. TARTAGLIO:
18 Q. Do you think a better approach would be to
19 tell the investigator to use his judgment and come
20 up with a conclusion that matches the facts?
21 **A. I think that's what I just said. That was**
22 **my intent.**
23 MR. TARTAGLIO: Let's take a five-minute
24 break. I might be done. Maybe I have a couple
25 questions, but I just need to go over -- through my



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1 notes.

2 **THE WITNESS: Okay.**

3 MS. FORSTER: Okay.

4 THE VIDEOGRAPHER: We are going off the

5 record. The time is 4:31 p.m.

6 (Off the record: 4:31 p.m. to 4:42 p.m.)

7 THE VIDEOGRAPHER: We are now back on the

8 record. The time is 4:42 p.m.

9 BY MR. TARTAGLIO:

10 Q. Mr. Lynch, do you ever recall there being a

11 promotion for Ms. Sandhu that had to be approved by

12 the board of directors?

13 **A. I don't recall it being within the last**

14 **couple of years. I do not recall anything, no.**

15 Q. Did the board of directors ever have to

16 approve a bonus for Ms. Sandhu?

17 **A. Yes.**

18 Q. Do you recall how many times that happened?

19 **A. It would be an annual event. It's a -- it's**

20 **a -- it's not an approval per se. It was a review**

21 **of John Chen's decisions to make the awards.**

22 Q. Could the board of directors have vetoed a

23 bonus to Ms. Sandhu had it wished?

24 **A. It would have been the first and only one we**

25 **would have vetoed so, yes, I guess they could but we**

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1 this, I can send it to you. I'm trying to figure it

2 out right now. Wait, wait. Maybe I can do it this

3 way. Let's see.

4 Will that work? Sorry.

5 (Technical discussion off the stenographic

6 record.)

7 MS. FORSTER: There we go. Should be here.

8 Okay. Save. I tried to mark it with -- so this

9 will be Exhibit 36.

10 (DEPOSITION EXHIBIT 36 WAS MARKED.)

11 MS. FORSTER: I need to close that. Sorry.

12 I'm going to try one more time. See if this will

13 come up. There it is. Okay. Here it comes.

14 THE VIDEOGRAPHER: There it is.

15 MS. FORSTER: All right. You all have

16 Exhibit 36 now.

17 EXAMINATION BY MS. FORSTER

18 BY MS. FORSTER:

19 Q. Mr. Lynch, please let me know when you --

20 **A. Just got here.**

21 Q. -- have access to it.

22 **A. I have it now.**

23 MS. FORSTER: Counsel, I'll give you a

24 moment to look it over too since I know you

25 haven't -- it's been produced, but you haven't sort

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1 **never did.**

2 Q. When making the decision to terminate

3 Ms. Sandhu's employment, did you consider her

4 history of promotions?

5 **A. No.**

6 Q. Did you consider her history of bonuses?

7 **A. No.**

8 Q. And similar questions. So did the board

9 ever have to approve an award of stock equity to

10 Ms. Sandhu? Or it could be options, I suppose. But

11 did the board have to approve any equity packages to

12 Ms. Sandhu?

13 **A. I do not recall any at this point. I think**

14 **the answer is I don't recall. I'll leave it with**

15 **that.**

16 MR. TARTAGLIO: Well, that's all the

17 questions I have.

18 Ms. Forster might have some follow-up

19 questions for you, so I'll let her take the wheel.

20 MS. FORSTER: Yeah. I only have a few

21 questions hopefully.

22 First of all, I do have one new exhibit. So

23 let me see if I can figure out how to put that in

24 the chat. Bear with me.

25 And let me ask, Kyra, if you know how to do

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1 of seen it today until right now.

2 MR. TARTAGLIO: You can go ahead and ask

3 about it.

4 MS. FORSTER: Okay.

5 BY MS. FORSTER:

6 Q. Mr. Lynch, do you recognize Exhibit 36?

7 **A. Exhibit 36 is a typical package that's**

8 **presented to the board on a regular basis, and it**

9 **shows the performance of each of the higher level**

10 **management organizations against their plans.**

11 Q. Who would present this information to the

12 board?

13 **A. Typically in the past, it was John Chen.**

14 Q. And was it John -- is this -- pardon. Let

15 me start again.

16 Is Exhibit 36 a performance report regarding

17 the executives that John Chen presented to the board

18 in 2023?

19 **A. Let me scroll through here. Make sure I got**

20 **it right. I'm troubled by the March 26, 2015, dates**

21 **on slides, which I think is just a carry over. But**

22 **I -- because of them, I want to be sure that -- yes.**

23 **This is -- I think there's some potential typos.**

24 **But, yes, this is -- this has been presented to the**

25 **board.**



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1 Q. So let me direct your attention to page 4.
2 The Bates Number on page 4 of this exhibit is
3 Number 9787, so BB13-00009787.
4 A. Okay. I have it.
5 Q. The one that's entitled "FY23 VIP update"?
6 A. Yes.
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
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19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 MR. TARTAGLIO: Objection. Argumentative.
4 (Simultaneous speakers. Reporter
5 clarification.)
6 MS. FORSTER: I'm sorry, Madam Reporter, can
7 you repeat that?
8 THE WITNESS: Okay. Can you repeat the
9 question so I can give you the answer, please?
10 BY MS. FORSTER:
11 Q. Let me try to rephrase it and see if I can
12 address counsel's objection as well.
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 Q. Okay. Give me just a moment. There's
18 another page I want to ask you about.
19 Can you go to page 14 of the PDF? That is
20 the page Bates-numbered BB13-00009797?
21 A. I have it.
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 MR. TARTAGLIO: Objection. Leading.
17 BY MS. FORSTER:
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 Q. And for the record, can you explain what
22 "UEM" means?
23 A. It is -- acronym aside, it is the product
24 that BlackBerry offers to administer and control
25 devices on a network. So, for example, in a -- in a



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1 corporation or in a government, that entity likes to
2 control all of the devices that they give out, so
3 that they can call certain places, not call other
4 places. They can text. They can't text. It's
5 essentially setting up a personality for the device
6 and monitoring that device and that's what those
7 products are.

8 Q. And very briefly, what does "UES" mean?

9 A. I can't describe the distinction as well as
10 I probably should be able to, but they -- they are
11 different kinds of a similar kind of product.

12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 [REDACTED]
2 Q. So within a week would be a week from which
3 date? I'm sorry.

4 A. From -- probably a week from the date of
5 interview, which were all the same dates. So
6 November -- if it was November 6, I was -- I had
7 concluded what I needed to do by November 13th.

8 Q. Did Ms. Sandhu's role -- gender -- let me
9 start again.

10 Did Ms. Sandhu's gender play any role
11 whatsoever in your decision to terminate her?

12 A. No.

13 Q. Did Ms. Sandhu's participation in the
14 investigation by the Morrison Foerster law firm play
15 any role whatsoever in your decision to terminate
16 her employment?

17 A. No.

18 Q. And did -- let me ask you this: Did you
19 know at the time you decided to terminate Ms. Sandhu
20 whether she had ever complained about colleagues in
21 the past?

22 A. I did not know.

23 MS. FORSTER: Okay. That's it. I have no
24 other questions.

25 MR. TARTAGLIO: I have, like, two minutes of

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1 [REDACTED]
2 Q. Okay. Thank you.

3 You testified earlier today -- we're done
4 with that exhibit.

5 You testified earlier today that you
6 conducted one-on-one interviews with the executive
7 leaders right away when you were appointed as
8 interim CEO. Do you recall that testimony?

9 A. Yes.

10 Q. Over what period of time did those
11 one-on-one interviews with the executive leaders
12 occur?

13 A. I recall most of them taking place on the
14 very same day that I had that introductory phone
15 call with them, which I think was a Monday.
16 November 6, I think it was. And I finished them up
17 on the following day.

18 Q. November 7?

19 A. Yes.

20 Q. On what date did you reach the conclusion
21 that you would need to terminate Neelam Sandhu?

22 A. Among others, probably within a week after
23 that.

24 Q. And by "among others," what did you mean in
25 that response?

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1 follow-up if that's okay with everyone. I know it's
2 5:00. If we go to exhibit -- sorry? Okay.

3 MS. FORSTER: That was me shuffling paper.

4 I now understand what happened. Sorry.

5 FURTHER EXAMINATION BY MR. TARTAGLIO

6 BY MR. TARTAGLIO:

7 Q. Okay. Let's go to -- back to Exhibit 36,
8 page 4. And let me know when you're there, sir.

9 A. The VIP update?

10 Q. Yes.

11 A. Yes.

12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 Q. And John Giamatteo was president of that
19 group?

20 A. He also had AtHoc and Secusmart and BTS.

21 Q. And as for cybersecurity, was that a group
22 that John Giamatteo was president of?

23 A. Yes.

24 [REDACTED]
25 [REDACTED]



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1 Q. Who was in charge of Spark?

2 A. That was John Giamatteo as well.

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 February. So the end of February of this year was

2 the end of fiscal year 2025. So we are now in

3 fiscal year 2026, and they'll -- since February was

4 the end of the first quarter. You add three, you

5 get May. You add three more, you get August. And

6 you add three more, you get November. Those are the

7 ends of the quarters.

8 Q. So when we look at quarter 4, fiscal year

9 2023, on page 14 of Exhibit 36, what months and

10 calendar year were represented by Q4 fiscal year

11 2023?

12 A. That is actually -- that is calendar year

13 2022/2023. For fourth quarter is December of '22

14 and January and February of '23.

15 MS. FORSTER: Thank you. That's all I have.

16 THE WITNESS: Okay.

17 THE REPORTER: Ms. Forster, would you like a

18 copy of the transcript?

19 MS. FORSTER: Yes, please.

20 Oh, and I'd -- before we actually -- I'm

21 sorry. Before we can go off the record, I don't

22 know that we will need to make any, but we do

23 reserve the right to make confidentiality

24 designations to deposition testimony within 21 days

25 as provided by the protective order in the case.

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 A. That is correct, yes.

12 Q. And John Giamatteo was the president of the

13 cybersecurity business unit?

14 A. He was.

15 MR. TARTAGLIO: Okay. That's all my

16 questions.

17 MS. FORSTER: I have one quick thing I would

18 like to ask.

19 FURTHER EXAMINATION BY MS. FORSTER

20 BY MS. FORSTER:

21 Q. Mr. Lynch, can you explain how the

22 BlackBerry fiscal year works? Like what -- what --

23 what is the fiscal year? What are the quarters,

24 like in terms of what months of the year?

25 A. Yeah. Fiscal year actually ends in

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1 MR. TARTAGLIO: Okay. I like that system a

2 lot better than having to do it on the fly.

3 That's all for me unless anyone needs orders

4 or anything.

5 THE VIDEOGRAPHER: I'll take us off.

6 This concludes today's video record of

7 deposition of Dick Lynch. The original media of

8 this deposition will remain in the custody of Talty

9 Court Reporters, Inc., located in San Jose,

10 California. We are now going off the record at

11 5:05 p.m.

12 (End time: 5:05 p.m.)

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1	::: DECLARATION OF WITNESS :::	1 ::: CERTIFICATE OF REPORTER :::
2		2
3	I hereby declare I am the deponent in the	3 I, JULIE L. BANTLEY, a Certified Shorthand
4	within matter; that I have read the foregoing	Reporter, holding a valid and current license issued
5	deposition and know the contents thereof, and I	4 by the State of California, CSR No. 11422, duly
6	declare that the same is true of my knowledge except	authorized to administer oaths, do hereby certify:
7	as to the matters which are therein stated upon my	5 That the witness in the foregoing remote
8	information or belief, and as to those matters, I	deposition was administered an oath remotely to
9	believe it to be true.	6 testify to the whole truth in the within-entitled
10	I declare under the penalties of perjury of	7 cause.
11	the State of California that the foregoing is true	8 That said deposition was taken down
12	and correct.	remotely by me in shorthand at the time and place
13		9 therein stated and thereafter transcribed into
14	Executed this ____ day of	10 typewriting, by computer, under my direction and
15	_____,	supervision.
16	2025, at _____,	11 (X) Reading and signing was not requested/offered.
17	(City) _____ (State)	12 Should the signature of the witness not be
18		affixed to the original deposition transcript, the
19		13 witness shall not have availed himself/herself of
20		the opportunity to sign or the signature has been
21		14 waived.
22		The dismantling, unsealing, or unbinding of the
23		15 original transcript will render the Reporter's
24	RICHARD LYNCH	Certificate null and void.
25		16 I further certify that I am neither counsel
		17 for nor related to any party in the foregoing
		18 depositions and caption named nor in any way
		19 interested in the outcome thereof.
		20 DATED: June 20, 2025
		21 <i>Julie L. Bantley</i>
		22 JULIE L. BANTLEY, CSR
		23 California Certified Shorthand Reporter 11422
		24
		25

